



Best Available Copy, 09.02.05

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IPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/199,655
Applicant : MATHIES, ET AL.
Filed : NOVEMBER 25, 1998
Title : MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit : 1743
Examiner : WARDEN, JILL ALICE
Atty Docket No. : AFFY-0019-8
Express Mail : ED 897952397

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The below-identified communication(s) is (are) submitted in the above-captioned application or proceeding:

- ☒ Letter to the Office of Petitions including Attachments 1 through 8
1. Notice of Abandonment mailed August 22, 2002.
 2. Petition to Revive and RCE filed January 23, 2003.
 3. Dismissal of Petition to Revive mailed June 13, 2003.
 4. Renewed Petition to Revive filed October 14, 2003.
 5. Facsimile of February 3, 2004 to Latrice Bond providing a Letter to the Office of Petitions summarizing events to that date, along with a copy of the previously submitted Request for Renewed Petition filed on October 14, 2003, which was not entered into the record of this application.
 6. A copy of the Status Inquiry mailed May 6, 2004.
 7. A copy of facsimile to John Gillon sent on June 30, 2004.
 8. Status Inquiry Filed January 27, 2005
- ☒ Application Fee Transmittal
- ☒ The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, including fees under 37 C.F.R. §§ 1.16 and 1.17 or credit any overpayment to **Deposit Account Number 10-0233-AFFY-0019-8.**

Respectfully submitted,

Michael G. Verga
Registration Number 39.410

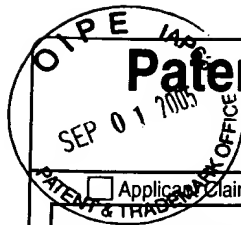
"Express Mail" label no. **ED 897952397**

Date of Deposit **September 1, 2005**

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, Alexandria, VA 22313-1450.

By
Typed Name: **Kimberly M. Vance**

JAGTIANI + GUTTAG
Democracy Square Business Center
10363-A Democracy Lane
Fairfax, Virginia 22030
(703) 591-2664
September 1, 2005



Patent Fee Transmittal for FY 2005

☐ Applicant Claims Small Entity Status 37 C.F.R. 1.27

TOTAL AMOUNT OF PAYMENT \$420.00

Application Number 09/199,655
Filing Date 25-Nov-98
Named Inventor MATHIES, et al.
Examiner Name WARDEN, Jill Alice
Art Unit 1743
Attorney Docket No. AFFY-0019-8

FEE CALCULATION

1. Filing Fees

Application Type	Description	Large Entity		Small Entity		Paid
		Code	(\$)	Code	(\$)	
Utility	<input type="checkbox"/> Basic Examination	1011	300	2011	150	\$ -
	<input type="checkbox"/> Search	1311	200	2311	100	\$ -
	<input type="checkbox"/> Search	1111	500	2111	250	\$ -
Design	<input type="checkbox"/> Basic Examination	1012	200	2012	100	\$ -
	<input type="checkbox"/> Search	1312	130	2312	65	\$ -
	<input type="checkbox"/> Search	1112	100	2112	50	\$ -
Plant	<input type="checkbox"/> Basic Examination	1013	200	2013	100	\$ -
	<input type="checkbox"/> Search	1313	160	2313	80	\$ -
	<input type="checkbox"/> Search	1113	300	2113	150	\$ -
Reissue	<input type="checkbox"/> Basic Examination	1014	300	2014	150	\$ -
	<input type="checkbox"/> Search	1114	600	2114	300	\$ -
	<input type="checkbox"/> Search	1314	500	2314	250	\$ -
Provisional	<input type="checkbox"/> Basic	1005	200	2005	100	\$ -
National Stage	<input type="checkbox"/> Basic Examination	1631	300	2631	150	\$ -
	<input type="checkbox"/> Search	1633	200	2633	100	\$ -
	<input type="checkbox"/> Search	1632	500	2632	250	\$ -

2. Extra Claim Fee

a. Claims as Filed

		Large Entity		Small Entity		Paid
		Code	(\$)	Code	(\$)	
Total Claims	0 - 20 = 0	1201	50	2201	25	\$ -
Independent	0 - 3 = 0	1202	200	2202	100	\$ -
Multiple Dependent		1203	360	2203	180	\$ -

b. Claims as Amended

		Large Entity		Small Entity		Paid
		Code	(\$)	Code	(\$)	
Total Claims	0 - 0 = 0	1201	50	2201	25	\$ -
Independent	0 - 0 = 0	1202	200	2202	100	\$ -
First Presentation of Multiple Dependent		1203	360	2203	180	\$ -

3. Extra Page Fee

		Large Entity		Small Entity		Paid
		Code	(\$)	Code	(\$)	
Total Pages	0 - 100 = 0	1081	250	2081	125	\$ -

Subtotal for Application Fees

1 \$ - + 2 \$ - + 3 \$ - = \$ -

4. Additional Fees

Description	Large Entity		Small Entity		Paid
	Code	(\$)	Code	(\$)	
Extension for response first month	1251	120	2251	60	\$ -
Extension for response second month	1252	450	2252	225	\$ -
Extension for response third month	1253	1,020	2253	510	\$ -
Extension for response fourth month	1254	1,590	2254	795	\$ -
Extension for response fifth month	1255	2,160	2255	1,080	\$ -
Notice of Appeal	1401	500	2401	250	\$ -
Filing a Brief in Support of an Appeal	1402	500	2402	250	\$ -
Request for Oral hearing	1403	1,000	2403	500	\$ -
Petitions under 1.17(f)	1462	400	1462	400	\$ -
Petitions under 1.17(g)	1463	200	1463	200	\$ -
Petitions under 1.17(h)	1464	130	1464	130	\$ -
Petition - public use proceeding	1451	1,510	1451	1,510	\$ -
Petition to Revoke - Unavoidable	1452	500	2452	250	\$ -
Petition to Revoke - Unintentional	1453	1,500	2453	750	\$ -
Utility Issue Fee	1501	1,400	2501	700	\$ -
Design Issue Fee	1502	800	2502	400	\$ -
Plant Issue Fee	1503	1,100	2503	550	\$ -
Reissue Issue Fee	1511	1,400	2511	700	\$ -
Publication Fee	1504	300	1504	300	\$ -
Statutory Disclaimer	1814	130	2814	65	\$ -

(cont.)

Description (cont.)	Large Entity		Small Entity		Paid
	Code	(\$)	Code	(\$)	
Recording each Assignment	8021	40	8021	40	\$ -
Submission of IDS	1806	180	1806	180	\$ -
Request for Cont. Examination (RCE)	1801	790	2801	395	\$ -
Filing Submission After Final	1809	790	2809	395	\$ -
Surcharge - late filing fee or oath	1051	130	2051	65	\$ -
Surcharge - late provisional fee	1052	50	2052	25	\$ -
Non-English Specification	1053	130	1053	130	\$ -
Processing Fee 37 CFR 1.17(q)	1807	50	1807	50	\$ -
Request for Ex Parte Reexamination	1812	2,520	1812	2,520	\$ -
Request Pub. of SIR prior to action	1804	920	1804	920	\$ -
Request Pub. of SIR after action	1805	1,840	1805	1,840	\$ -
Each Add. Invention Examined	1810	790	2810	395	\$ -
Expedited Examination (Design)	1802	900	1802	900	\$ -
Unintentionally Delayed Priority Claim	1453	1,370	1453	1,370	\$ -
Certificate of Correction	1811	100	1811	100	\$ -
Maintenance Fees 3.5 years	1551	900	2551	450	\$ -
Maintenance Fees 7.5 years	1552	2,300	2552	1,150	\$ -
Maintenance Fees 11.5 years	1553	3,800	2553	1,900	\$ -
Surcharge - Late Payment 6 mos.	1554	130	2554	65	\$ -
Other fee ____ October 14, 2003 Filing Fee					\$ 420

Additional Fee Subtotal \$ 420

METHOD OF PAYMENT (Check all that apply)

☐ Credit Card (Provide credit card information and authorization on PTO-2038)

☒ Deposit Account No.

10-0233-AFFY-0019-8

For the above-identified deposit account, the Director is hereby authorized to:

☒ To charge the above-identified fee.

☒ To charge any additional fees which may be required under 37 CFR 1.16, 1.17, 1.18, 1.20 and 1.492 or credit any overpayment to the deposit account number listed above.

Submitted by:

Name Michael G. Verga Reg. No. 39,410
Firm Jagtiani + Gutttag
Address 10363-A Democracy Lane, Fairfax VA 22030
Telephone 703.591.2664 Fax 703.591.5907

Michael G. Verga
Signature

September 1, 2005

Date



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/199,655
Applicant : MATHIES, ET AL.
Filed : NOVEMBER 25, 1998
Title : MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit : 1743
Examiner : WARDEN, JILL ALICE

Atty Docket No. : AFFY-0019-8 (FORMERLY 104464-0002CPA)

Mail Stop Petitions
P.O. Box 1450
Alexandria, VA 22313-1450

LETTER TO OFFICE OF PETITIONS

Sir:

To facilitate processing of this now fourth submission of the noted Renewed Petition, Applicant offers the following summary of events which have occurred to date:

- August 22, 2002 Notice of Abandonment mailed. (Attachment 1)
- January 23, 2003 Petition to Revive and RCE filed. (Attachment 2)
- June 13, 2003 Petition to Revive was dismissed due to lack of substantive response. (Attachment 3)

First Submittal of Renewed Petition

- October 14, 2003 Filed Renewed Petition to Revive (w/Two-Month Extension of Time) (Attachment 4)
- February 2, 2004 Ms. Joyce Hanline of this office telephoned Ms. Latrice Bond, Paralegal Specialist at the Office of Petitions to determine the status of the October 14, 2003 filing. Ms. Bond indicated that there was no record of the October 14th filing and suggested that a copy be faxed to the Office of Petitions.
- **Note:** **Subsequent investigation revealed that USPS likely did not deliver first submission due to (1) date-stamped post card was not returned; and (2) check paying fee for extension of time was not cashed.**

Second Submittal of Renewed Petition

- February 3, 2004 Renewed Petition to Revive faxed to Ms. Bond of Office of Petitions. (Attachment 5)
Ms. Bond confirmed receipt.
- May 6, 2004 A Status Inquiry was filed. (Attachment 6)
(Note: No reply to this status inquire was ever received.)
- June 30, 2004 Undersigned placed call to Mr. John Gillon of Office of Petitions

09/06/2005 EAYALEW1 00000006 100233 09199655
01 FC:1458 420.00 DA

requesting status of Renewed Petition.

(Note: Mr. Gillon was called because the undersigned communicated with Mr. Gillon on another matter in the past and recalled Mr. Gillon as being responsive and knowledgeable.)

Mr. Gillon indicated that the lack of response was likely caused by the fact that in February of 2004 Ms. Bond left on extended medical leave. Concerned that the second submittal may not have been entered by Ms. Bond prior to her departure, Mr. Gillon suggested we send to him a copy of the second submission via facsimile to his attention.

Third Submittal of Renewed Petition

- June 30, 2004 A copy of prior communications was forwarded via facsimile to John Gillon. Mr. Gillon acknowledged receipt of the documents in a subsequent phone conversation with the undersigned. (Attachment 7)
- Fall, 2004 Undersigned placed a number of calls to Mr. Gillon to follow up on the second submission. Mr. Gillon informed the undersigned that he would not personally address the petition due to a new procedure implemented in the Office of Petitions regarding the assignment of work. Unfortunately, Mr. Gillon was unable to provide the undersigned with the name of the person assigned to address the petition, either due to the fact that it was not yet assigned (it was a newly implemented procedure) or because of the fact that the Office of Petitions was preparing for, or in the wake of, moving to a new facility.
- January 27, 2005 A status inquiry was filed. (Attachment 8)
(Note: A reply to this status inquiry was never received.)
- June 20, 2005 Kimberly Vance of this office spoke with John Gillon regarding this matter. He suggested refiling the petition with a history of the application and proof of October 14, 2003 filing.
- June 22, 2005 Kimberly Vance again contacted the Office of Petitions, at the client's request, to determine whether a different approach should be taken to have the renewed petition addressed. The phone contact for a supervisor, Mr. Pearson, was provided.
- June/July 2005 The undersigned left voice mail messages for Mr. Pearson on a number of occasions. A return call was never received.
- August 23, 2005 The undersigned attempted to contact Mr. Pearson and spoke to a Ms. Carol Bidwell who was temporarily assuming the responsibilities of Mr. Pearson. Ms. Bidwell was very accommodating, spending considerable time listening to an oration of the above history, and searching the PTO electronic systems for information. Ultimately, Ms. Bidwell indicated that there is no physical file to review, and recommended re-filing via Express Mail the renewed petition with a summary of the history. She also

Application Number: 09/199,655
September 1, 2005

Letter to Office of Petitions

recommended that we follow up with either Randy Green or Ira Lazarus (the two supervisors in the Office of Petitions) to verify the petition was properly assigned and will be addressed.

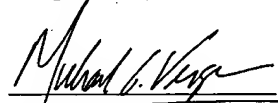
Fourth Submittal of Renewed Petition

- Sept. 1, 2005 Applicants hereby submit, for the fourth time, the Renewed Petition.

As the original check in the amount of \$420.00 included in the October 14th filing was also not received, the Commissioner is hereby authorized to charge \$420.00 to Deposit Account Number **10-0233 AFFY-0019-8**. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 10-0233 pursuant to 37 CFR 1.25. Additionally, please charge any fees to Deposit Account 10-0233 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed. If extensions of time are necessary to allow consideration of this paper, then such extensions of time are hereby petitioned under 37 C.F.R. 1.136(a), and any fees required therefore, including fees for net addition of claims, are hereby authorized to be charged to Deposit Account No. 10-0233.

Your prompt attention to this Renewed Petition to Revive is respectfully requested.

Respectfully submitted,



Michael G. Verga
Registration No. 39,410

JAGTIANI + GUTTAG
Democracy Square Business Center
10363-A Democracy Lane
Fairfax, Virginia 22030
(703) 591-2664

September 1, 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/199,655	11/25/1998	RICHARD A. MATHIES	71180-024827	3941

7590 08/22/2002

PILLSBURY MADISON & SUTRO
725 SOUTH FIGUEROA STREET SUITE 1200
LOS ANGELES, CA 900175443

EXAMINER

BEX, PATRICIA K

ART UNIT PAPER NUMBER

1743

DATE MAILED: 08/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED
PILLSBURY WINTHROP LLP/LA

AUG 26 2002

CL# 071180 MT# 0248272
ATTY(S) AFFIMETRIX - JBG/SDL
DUE: NOV. 22, 2002 - (3 Mos.)
DKT BY (1) MSG (2)



Advisory Action

Application No.

09/199,655

Applicant(s)

MATHIES ET AL.

Examiner

P. Kathryn Bex

Art Unit

1743

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 March 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: NONE.

Claim(s) objected to: 1-3, 6, 9-13.


Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Continuation Sheet

Proposed amendment to claim 1, does overcome the cited prior art. However, the amendment raises new issues that would require further consideration and/or search. Examiner did not indicate that proposed changes to claim 1 would be entered in an after-final amendment, see interview summary, paper no. 19. Additionally, the proposed amendment to claim 1 does not place the application in better form for appeal by materially reducing the issues for appeal, for example: line 17 now recites "in either the first container of the second container" and "a second capillary tube" on last line lacks antecedent basis.

Continuation of 10. Other: Newly found Hormann et al reference (USP 6,258,323 B1) do teach a first container 4 encased in a housing 2 wherein a pressure altering device 114 applies a pressure differential that causes liquid contained in the first container 4 to be transferred through a first capillary 100 to containers 110 A-B and a second capillary tube extending into container 4 and terminating at a waste container 126 (Fig. 8).


Jill Warden
Supervisory Patent Examiner
Technology Center 1700



Notice of Abandonment

Application No.

09/199,655

Examiner

P. Kathryn Bex

Applicant(s)

MATHIES ET AL.

Art Unit

1743


-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☒ A proposed reply was received on 3/11/02, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.

The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


Jill Warden
Supervisory Patent Examiner
Technology Center 1700

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



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Atty Docket No.: 104464-0002

Inventor: Richard A. Mathies, et al.

Application No.: 09/199,655-Conf. #3941 **Filing Date:** February 28, 2001
Title: MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Documents Filed:

Petition to Revive Application Unintentionally Abandoned (2 pages)

Fee Transmittal (1 page)

Revocation of Power of Attorney (1 page)

Power of Attorney (1 page)

Transmittal (1 page)

Statement Under 37 CFR 3.73(b) (1 page)

Request for Continued Examination (1 page)

Letter to Examiner (1 page)

Check in the amount of \$750.00 covering the
Request for Continued Examination Fee

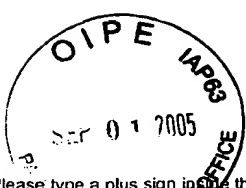
Change of Correspondence Address (1 page)
PTO SB-122 (1 page)

Check in the amount of \$1,300.00 covering the
Petition to Revive fee

Via: First Class Mail

Sender's Initials: MGV/mdf

Date: January 23, 2003



Please type a plus sign in the this box



PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

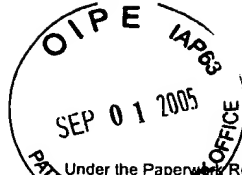
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/199,655
		Filing Date	February 28, 2001
		First Named Inventor	Richard A. Mathies
		Group Art Unit	1743
		Examiner Name	P. Bex
Total Number of Pages in This Submission	1	Attorney Docket Number	104464-0002

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition to Revive Unintentionally Abandoned Application <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below) Request for Continued Examination; Formality Letter to Examiner; PTO SB-122; and Return Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual Name	NUTTER MCLENNEN & FISH LLP Michael G. Verga
Signature	
Date	January 23, 2003

Transmittal	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Box DAC, Commissioner for Patents, Washington, DC 20231, on the date shown below.	
Dated: January 23, 2003	Signature: (Michael D. Feiler)



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2003 <small>Patent fees are subject to annual revision.</small>		Complete if Known		
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	09/199,655-Conf. #3941	
		Filing Date	February 28, 2001	
		First Named Inventor	Richard A. Mathies	
		Examiner Name	P. Bex	
		Group Art Unit	1743	
TOTAL AMOUNT OF PAYMENT	(\$)	2,050.00	Attorney Docket No.	104464-0002

METHOD OF PAYMENT (check all that apply)	
<input checked="" type="checkbox"/> Check	<input type="checkbox"/> Credit Card
<input type="checkbox"/> Deposit Account	<input type="checkbox"/> Money Order
<input type="checkbox"/> Other	<input type="checkbox"/> None
Deposit Account Number	141449
Deposit Account Name	Nutter McClennen & Fish LLP
The Commissioner is hereby authorized to: (check all that apply)	
<input type="checkbox"/> Charge fee(s) indicated below	<input checked="" type="checkbox"/> Credit any overpayments
<input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application	
<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
to the above-identified deposit account.	

FEE CALCULATION				
1. BASIC FILING FEE				
Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description
1001	740	2001	370	Utility filing fee
1002	330	2002	165	Design filing fee
1003	510	2003	255	Plant filing fee
1004	740	2004	370	Reissue filing fee
1005	160	2005	80	Provisional filing fee
SUBTOTAL (1)				(\$)
				0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE				
Total Claims		** =	Extra Claims	Fee from below
Independent Claims		** =	Extra Claims	Fee from below
Multiple Dependent			Extra Claims	Fee from below
SUBTOTAL (2) (\$)				
0.00				

3. ADDITIONAL FEES				
Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description
1051	130	2051	65	Surcharge - late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
1053	130	1053	130	Non-English specification
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
1251	110	2251	55	Extension for reply within first month
1252	400	2252	200	Extension for reply within second month
1253	920	2253	460	Extension for reply within third month
1254	1,440	2254	720	Extension for reply within fourth month
1255	1,960	2255	980	Extension for reply within fifth month
1401	320	2401	160	Notice of Appeal
1402	320	2402	160	Filing a brief in support of an appeal
1403	280	2403	140	Request for oral hearing
1451	1,510	1451	1,510	Petition to institute a public use proceeding
1452	110	2452	55	Petition to revive - unavoidable
1453	1,280	2453	640	Petition to revive - unintentional
1501	1,280	2501	640	Utility issue fee (or reissue)
1502	460	2502	230	Design issue fee
1503	620	2503	310	Plant issue fee
1460	130	1460	130	Petitions to the Commissioner
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	1806	180	Submission of Information Disclosure Stmt
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
1809	740	2809	370	Filing a submission after final rejection (37 CFR 1.129(a))
1810	740	2810	370	For each additional invention to be examined (37CFR 1.129(b))
1801	740	2801	370	Request for Continued Examination (RCE)
1802	900	1802	900	Request for expedited examination of a design application
Other fee (specify)				
*Reduced by Basic Filing Fee Paid				
SUBTOTAL (3) (\$)				2,050.00

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Michael G. Verga	Registration No. (Attorney/Agent)	39,410
Signature		Telephone	(617) 439-2871
		Date	January 23, 2003

Fee Transmittal	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Box DAC, Commissioner for Patents, Washington, DC 20231, on the date shown below.	
Dated: January 23, 2003	Signature: (Michael D. Feiler)

Nutter, McClennen & Fish, LLP

World Trade Center West
155 Seaport Boulevard
Boston, MA 02210-2604

Date:

January 23, 2003

Citizens Bank

5-7017

2110

Pay: One thousand three hundred and 00/100*****

\$ 1,300.00

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TO THE
ORDER OF:

Commissioner of Patents and Trademarks



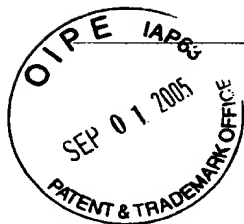
⑈00028503⑈ ⑆211070175⑆ 1131766897⑈

Commissioner of Patents and Trademarks

Vendor ID: 001670

Check #:28503

<u>Invoice Num</u>	<u>Invoice Date</u>	<u>Invoice Amount</u>	<u>Amount Paid</u>	<u>Discount Taken</u>	<u>Payment Amt</u>	
01-23-2003-5	1/23/2003	\$1,300.00	\$1,300.00	\$0.00	\$1,300.00	
	<u>Disb Date</u>	<u>Client</u>	<u>Matter</u>	<u>Disb</u>	<u>Description</u>	<u>Amount</u>
	1/23/2003	0104464	00002	PF	Petition Fee	\$1,300.00
Totals:		\$1,300.00	\$1,300.00	\$0.00	\$1,300.00	



Michael F.

Nutter, McClennen & Fish, LLP

World Trade Center West
155 Seaport Boulevard
Boston, MA 02210-2604

Date:

January 23, 2003

CHECK NO. 2850

Citizens Bank

5-7017


2110

Pay: Seven hundred fifty and 00/100*****

\$ 750.00

PAY
TO THE
ORDER OF:

Commissioner of Patents and Trademarks



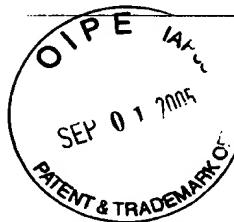
⑈00028504⑈ ⑆211070175⑆ 1131766897⑈

Commissioner of Patents and Trademarks

Vendor ID: 001670

Check #:28504

<u>Invoice Num</u>	<u>Invoice Date</u>	<u>Invoice Amount</u>	<u>Amount Paid</u>	<u>Discount Taken</u>	<u>Payment Amt</u>
01-23-2003-6	1/23/2003	\$750.00	\$750.00	\$0.00	\$750.00
<u>Disb Date</u>	<u>Client</u>	<u>Matter</u>	<u>Disb</u>	<u>Description</u>	<u>Amount</u>
1/23/2003	0104464	00002	FILFEE	Filing Fee	\$750.00
Totals:		\$750.00	\$750.00	\$0.00	\$750.00



Michael F.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231

1-23-2003

DATE



Docket No.: 104464-0002
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Richard A. Mathies, et al

Application No.: 09/199,655

Group Art Unit: 1743

Filed: November 25, 1998

Examiner: P. Bex

For: MICROPLATE SAMPLE AND REAGENT
LOADING SYSTEM

LETTER TO THE EXAMINER

Examiner Bex
Commissioner for Patents
Washington, DC 20231

Dear Examiner Bex:

This paper is being filed with a Petition to Revive an unintentionally abandoned application and request for continued examination (RCE) application. Also filed with this paper is a revocation of all previous powers of attorney and appointment of new practitioners, including the undersigned, to prosecute the captioned application on behalf of the assignee of record, Affymetrix, Inc.

Due to the complexities in the prosecution of the parent application, the undersigned requests that the examiner contact the undersigned prior to examining the RCE application to arrange a time at which a substantive interview on the merits can be conducted. The undersigned will then file a Preliminary Amendment for examination.

Dated: January 23, 2003

Respectfully submitted,

By

Michael G. Verga

Registration No.: 39,410

NUTTER MCCLENNEN & FISH LLP

World Trade Center West

155 Seaport Boulevard

Boston, Massachusetts 02210-2604

(617) 439-2871

Attorneys for Applicant



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
104464-0002

First named inventor: Richard A. Mathies

Application No: 09/199,655-Conf. #3941

Art Unit: 1743

Filed: February 28, 2001

Examiner: P. Bex

Title: MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Attention: Office of Petitions
Box DAC
Commissioner for Patents
Washington, DC 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity – fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.

☒ Other than small entity – fee \$ 1,300.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form
of **Request for Continuing Examination** (identify the type of reply):

☐ has been filed previously on _____

☒ is enclosed herewith.

B. The issue fee of \$ _____

☐ has been paid previously on _____

☐ is enclosed herewith.

Petition to Revive Application Unintentionally Abandoned

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Box DAC, Commissioner for Patents, Washington, DC 20231, on the date shown below.

Dated: January 23, 2003

Signature:  (Michael D. Feiler)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

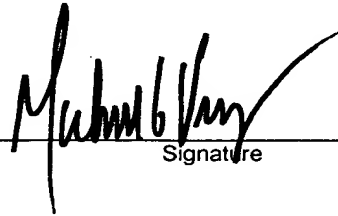
3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

January 23, 2003

Date



Signature

Telephone

Number: (617) 439-2871

Michael G. Verga

Typed or printed name

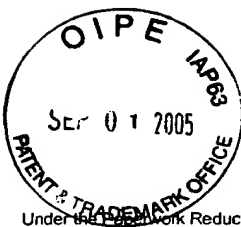
NUTTER MCCLENNEN & FISH LLP
World Trade Center West
155 Seaport Boulevard
Boston, Massachusetts 02210-2604

Address

Enclosures:

- ☒ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☐ Other: _____

1174899.1



Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL Address to: Commissioner for Patents Box RCE Washington, DC 20231	Application Number	09/199,655-Conf. #3941
	Filing Date	February 28, 2001
	First Named Inventor	Richard A. Mathies
	Group Art Unit	1743
	Examiner Name	P. Bex
	Attorney Docket No.	104464-0002

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114**

a. ☐ Previously submitted

i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

iii. ☐ Other _____

b. ☒ Enclosed

i. ☐ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☒ Other Letter to Examiner Bex

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. **Fees** The RCE fee under 37 CFR 1.17 (e) is required by 37 CFR 1.114 when the RCE is filed.

a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. _____

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other _____

b. ☒ Check in the amount of \$ 750.00 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Name (Print/Type)	Michael G. Verga	Registration No. (Attorney/Agent)	39,410
Signature		Date	January 23, 2003

Request for Continuing Examination	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Box DAC, Commissioner for Patents, Washington, DC 20231, on the date shown below.	
Dated: January 23, 2003	Signature: (Michael D. Feiler)



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
PO Box 1450
Arlington, VA 22313-1450
www.uspto.gov



Paper No. 30

JUN 16 2003

NMF

Nutter McClennen & Fish, LLP
World Trade Center West
155 Seaport Boulevard
Boston, MA 02210-2604

COPY MAILED

JUN 13 2003

OFFICE OF PETITIONS

In re Application of
Richard A. Mathies et al.
Application No. 09/199,655
Filed: November 25, 1998
Attorney Docket No. 104464-0002

RCE
MGN

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 29, 2003, to revive the above-identified application. The decision mailed March 24, 2003 is vacated.

The petition is **DISMISSED**.

The application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner in reply to the final Office action mailed November 27, 2001, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 CFR 1.136 have been obtained. Accordingly, the application became abandoned on February 28, 2002.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

DOCKETED
AUG 13, 2003 -
REQUEST RECONSIDERATION

Docket Department

Reviewed _____ by _____
Docketed _____ by _____
Retrieved _____ by _____
NMF

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) were filed with the petition to revive on January 29, 2003. The request however, lacks the submission required by 37 CFR 1.114. A submission as used in 37 CFR 1.114 includes, but is not limited to, an information disclosure statement, an amendment to the written descriptions, claims, new arguments, or new evidence in support of patentability. See 37 CFR 1.114(c) and MPEP Section § 706.07(g).

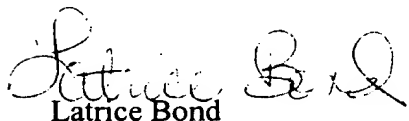
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 PO Box 1450
 Arlington, VA 22313-1450

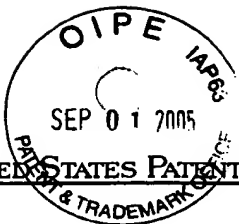
By facsimile: (703) 308-6916
 Attn: Office of Petitions

By hand: Office of Petitions
 2201 South Clark Place
 Crystal Plaza 4, Suite 3C23
 Arlington, VA 22202

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.



Latrice Bond
Paralegal Specialist
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



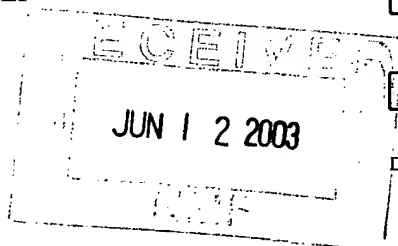
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/199,655	11/25/1998	RICHARD A. MATHIES	104464-0002 RCE MGV	3941

21125 7590 06/09/2003

NUTTER MCCLENNEN & FISH LLP
WORLD TRADE CENTER WEST
155 SEAPORT BOULEVARD
BOSTON, MA 02210-2604



EXAMINER

BEX, PATRICIA K

ART UNIT	PAPER NUMBER
----------	--------------

1743

DATE MAILED: 06/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Docket Department

Reviewed _____ by _____
Docketed _____ by _____
Retrieved _____ by _____

NMF



Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

APPLICATION NUMBER

FILING DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE

DATE MAILED:

NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

The request for continued examination (RCE) under 37 CFR 1.114 filed on 1/29/03 is improper for reason(s) indicated below:

- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 3. Continued examination under 37 CFR 1.114 does not apply to an application in which the Office has not mailed at least one of an Office action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151.
- ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☐ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on _____. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☐ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the Office action or notice of allowance continues to run from the mailing date of that action or notice.
- ☒ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the Office action or notice of allowance continues to run from the mailing date of that action or notice.

A copy of this notice MUST be returned with any reply.

Direct the reply and any questions about this notice to:

Michael Hamer Examining Group 1200
(703) 305-6508

Atty Docket No.: 104464-0002CPA

Inventor: Richard A. Mathies, et al.

Application No.: 09/199,655-Conf. #3941 **Filing Date:** November 25, 1998
Title: MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Documents Filed:

(x2)
Transmittal (1 page), Fee Transmittal, Check # 34373 \$420.00,
Two Month Request for Extension of Time Under 37 CFR 1.136(a) (1 page) (2x)
Renewed Petition Under 37 C.F.R. 1.137(b) (2 pages)
Response and Amendment (5 pages)
Copies of Previously filed RCE with copy of check \$750.00, Petition to Revive Unintentionally
Abandoned Application with copy of check \$1,300.00, Letter to Examiner

Via: First Class Mail

Sender's Initials: MGVB/bjw
1179617

Date: October 14, 2003



PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/199,655-Conf. #3941
		Filing Date	November 25, 1998
		First Named Inventor	Richard A. Mathies
		Art Unit	1743
		Examiner Name	P. Bex
Total Number of Pages in This Submission	1	Attorney Docket Number	104464-0002RCE

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Renewed Petition Under 37 CFR 1.137(b)	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> 2-Month Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	1. Check \$420.00
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	2. Copies of Previously Filed RCE with copy of check, Petition to Revive with copy of check, Letter to Examiner
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	NUTTER MCCLENNEN & FISH LLP Michael G. Verga
Signature	
Date	October 14, 2003

Transmittal

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: October 14, 2003

Signature: (Michael G. Verga)



Use in lieu of PTO/SB/17 (08-03)
(Form updated to reflect FY 2004 fees effective 10/1/03)

<h1>FEE TRANSMITTAL</h1> <h2>for FY 2004</h2> <p><i>Effective 10/01/2003, Patent fees are subject to annual revision.</i></p>		Complete if Known	
		Application Number	09/199,655-Conf. #3941
		Filing Date	November 25, 1998
		First Named Inventor	Richard A. Mathies
		Examiner Name	P. Bex
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Art Unit	1743
		Attorney Docket No.	104464-0002RCE
TOTAL AMOUNT OF PAYMENT (\$)		420.00	

METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)																																																																																																																																																																																																					
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None		3. 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SUBMITTED BY		(Complete if applicable)	
Name (Print/Type)	Michael G. Verga	Registration No. (Attorney/Agent)	39,410
Signature		Telephone	(617) 439-2000
		Date	October 14, 2003

1264235.1

Fee Transmittal	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
Dated: October 14, 2003	Signature: (Michael G. Verga)



Nutter, McClennen & Fish, LLP

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Boston, MA 02210-2604

Date:

October 14, 2003

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<u>Invoice Num</u>	<u>Invoice Date</u>	<u>Invoice Amount</u>	<u>Amount Paid</u>	<u>Discount Taken</u>	<u>Payment Amt</u>
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<u>Disb Date</u>	<u>Client</u>	<u>Matter</u>	<u>Disb</u>	<u>Description</u>	<u>Amount</u>
10/14/2003	0104464	00002	EF	Extension Fee	\$420.00
Totals:		\$420.00	\$420.00	\$0.00	\$420.00

FEE TRANSMITTAL
for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	(\$)	420.00
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Complete If Known

Application Number	09/199,655-Conf. #3941
Filing Date	November 25, 1998
First Named Inventor	Richard A. Mathies
Examiner Name	P. Bex
Art Unit	1743
Attorney Docket No.	104464-0002RCE

METHOD OF PAYMENT (check all that apply)

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☐ **Deposit Account:**

**Deposit
Account
Number**

141449

**Deposit
Account
Name**

Nutter McClennen & Fish LLP

The Director is authorized to: (check all that apply)

<input type="checkbox"/>	Charge fee(s) indicated below	<input checked="" type="checkbox"/>	Credit any overpayments
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☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
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1002	340	2002	170	Design filing fee	
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1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)	(\$)	0.00
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2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims	Fee from below	Fee Paid
Total Claims	20** =	X	=	
Independent Claims	3** =	X	=	
Multiple Dependent			=	

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
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FEE CALCULATION (continued)

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Other fee (specify)

*Reduced by Basic Filing Fee Paid

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SUBMITTED BY

Name (Print/Type)	Michael G. Verga
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Signature

Registration No.
(Attorney/Agent)

39.410

(Complete (if applicable))

Telephone (617) 439-2000

Date _____

October 14, 2003

1264235.1

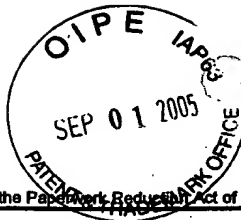
Fee Transmittal

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Dated: October 14, 2003

Signature:

____ (Michael G. Verga)



PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket No. (Optional)
104464-0002RCE

In re Application of Richard A. Mathies and Peter C. Simpson	
Application Number 09/199,655-Conf. #3941	Filed November 25, 1998
For: MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM	
Art Unit 1743	Examiner P. Bex

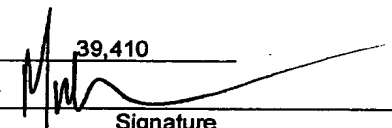
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

- | | | |
|--|----|--------|
| <input type="checkbox"/> One month (37 CFR 1.17(a)(1)) | \$ | |
| <input checked="" type="checkbox"/> Two months (37 CFR 1.17(a)(2)) | \$ | 420.00 |
| <input type="checkbox"/> Three months (37 CFR 1.17(a)(3)) | \$ | |
| <input type="checkbox"/> Four months (37 CFR 1.17(a)(4)) | \$ | |
| <input type="checkbox"/> Five months (37 CFR 1.17(a)(5)) | \$ | |
- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ _____
- ☒ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 141449.
- I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor.
☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
☐ attorney or agent of record. Registration Number _____
☒ attorney or agent under 37 CFR 1.34(a).
Registration number if acting under 37 CFR 1.34(a) 39,410

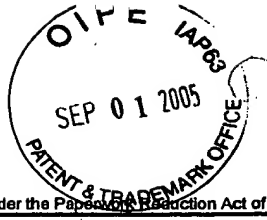
October 14, 2003
Date
(617) 439-2000
Telephone Number


Signature
Michael G. Verga
Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below

☐ Total of 1 forms are submitted.

Two Month Request for Extension of Time Under 37 CFR 1.136(a)
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.
Dated: October 14, 2003 Signature:  (Michael G. Verga)



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket No. (Optional)

104464-0002RCE

In re Application of Richard A. Mathies and Peter C. Simpson

Application Number

09/199,655-Conf. #3941

Filed

November 25, 1998

For: MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit

1743

Examiner

P. Bex

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

- | | | | |
|-------------------------------------|----------------------------------|----|--------|
| <input type="checkbox"/> | One month (37 CFR 1.17(a)(1)) | \$ | |
| <input checked="" type="checkbox"/> | Two months (37 CFR 1.17(a)(2)) | \$ | 420.00 |
| <input type="checkbox"/> | Three months (37 CFR 1.17(a)(3)) | \$ | |
| <input type="checkbox"/> | Four months (37 CFR 1.17(a)(4)) | \$ | |
| <input type="checkbox"/> | Five months (37 CFR 1.17(a)(5)) | \$ | |

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ _____

☒ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 141449.

I have enclosed a duplicate copy of this sheet.

- I am the ☐ applicant/inventor.
☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
☐ attorney or agent of record. Registration Number _____

☒ attorney or agent under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a) 39,410

October 14, 2003

Date

(617) 439-2000

Telephone Number

Signature

Michael G. Verga

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below

☐ Total of 1 forms are submitted.

Two Month Request for Extension of Time Under 37 CFR 1.136(a)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: October 14, 2003

Signature: Michael G. Verga (Michael G. Verga)

1264240.1



Docket No.: 104464-0002
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Richard A. Mathies, et al

Application No.: 09/199,655

Group Art Unit: 1743

Filed: November 25, 1998

Examiner: P. Bex

For: MICROPLATE SAMPLE AND REAGENT
LOADING SYSTEM

RENEWED PETITION TO REVIVE

Office of Petitions
Office of the Deputy Commissioner for Patent Examination Policy
Washington, DC 20231

Dear Sir or Madam::

This is a Renewed Petition to Revive an abandoned application under 37 CFR 1.137(b).

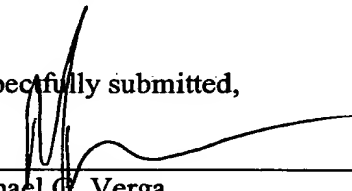
A Petition to Revive an unintentionally abandoned application and request for continued examination (RCE) application was filed on January 23, 2003. The Petition was initially granted.

Applicants included with the above Petition a Letter to the Examiner requesting a substantive interview when the application was returned to the art unit, and prior to examination. The purpose of the interview was to confirm the undersigned representative's understanding of the state of the claims as they currently stood at the time of abandonment. As noted in that Letter, once such understanding was obtained, Applicants were to file a reply to the outstanding office action. However, the noted Petition was later dismissed due to a failure to include such a substantive reply.

The Office of Petitions informed the undersigned that the filing of this Renewed Petition would be readily granted if accompanied by a substantive response and the requisite petition for extension of time. Such papers are filed herewith along with copies of the initial petition.

Dated: October 14, 2003

Respectfully submitted,

By 
Michael C. Verga
Registration No.: 39,410
NUTTER MCCLENNEN & FISH LLP
World Trade Center West
155 Seaport Boulevard
Boston, Massachusetts 02210-2604
(617) 439-2871
Attorneys for Applicants



ATTNY DOCKET NO. 104464-00002

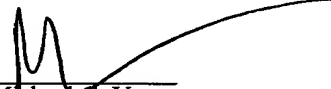
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mathies et al.
Serial No.: 09/199,655
Filing Date: November 25, 1998
For: MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Examiner: P. Bex
Art Unit: 1743

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to: M/S Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 14th day of October, 2003.


Michael G. Verga

RESPONSE & AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Applicant submits the following Response & Amendment in Reply to the Office Action dated November 27, 2001.

It is not believed that extension for time or fees for net addition of claims are required, beyond those which may otherwise be provided for in document accompanying this paper. However, if additional extensions of time are necessary to allow consideration of this paper, then such extensions of time are hereby petitioned under 37 C.F.R. 1.136(a), and any fees required therefore, including fees for net addition of claims, are hereby authorized to be charged to our Deposit Account No. 14-1449.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 5 of this paper.

AMENDMENTS TO THE CLAIMS

The following listing of claims will replace all prior versions, and listings, of claims in the captioned patent application.

Listing of Claims

1-40 (Canceled)

41. (New) A liquid-handling system for transferring liquid between a first container and a second container, comprising:

a plurality of capillary tubes each having a first end positioned in the first container and a second end positioned in or above a receiving reservoir of the second container;

a pressure housing encasing the first container and configured to cause liquid contained in the first container to be transferred through the capillary tubes to the second container; and

a liquid stop mechanism disposed adjacent to the second end of the capillary tubes that enables the capillary tubes to be completely filled prior to dispensing the liquid into the receiving reservoir.

42. (New) The system of claim 41, wherein said liquid stop mechanism comprises:

a capillary cooler through which a portion of said capillary tubes extend to define a cold region of the capillary tube.

43. (New) The system of claim 42, wherein said capillary cooler comprises one or more of the group consisting of:

a Peltier cooling/heating system;

a resistive heating system;

a cryogenic fluid flow system; and

an air flow system.

44. (New) The system of claim 42, wherein said liquid stop mechanism comprises:

a flow system comprising a flow chamber having chamber walls defining an flow cavity through which temperature-controlled cooling fluid or gas flows, wherein said cold region of said capillary tubes are disposed in said flow cavity.

45. (New) The system of claim 44, wherein said cooling fluid or gas comprises at least one of the group consisting of air, water and liquid nitrogen.
46. (New) The system of claim 44, wherein said chamber walls are insulated.
47. (New) A method for transferring liquid between a first set of reservoirs and a second set of reservoirs via a plurality of capillary tubes each having a first end positioned in a corresponding one of said first set of reservoirs and a second end positioned in or above a corresponding one of said second set of reservoirs, the method comprising:
- completely filling said capillary tubes with liquid contained in each said corresponding first set of reservoirs; and
 - subsequent to said complete filling of all said capillary tubes, dispensing the liquid contained in each of said capillary tubes into said corresponding one of said second set of reservoirs.
48. (New) The method of claim 47, wherein completely filling said capillary tubes comprises:
- applying a differential pressure across said capillary tubes sufficient to cause the liquid contained in the corresponding first set of reservoirs to travel through said corresponding capillary tubes;
 - ~~freezing the liquid in a region of each said capillary tube that is adjacent to said~~
 - second end of said capillary tubes;
 - ceasing said application of said differential pressure;
 - melting said frozen liquid in said region of each said capillary tube; and
 - reapplying said differential pressure to dispense into said corresponding set of second reservoirs said liquid contained in each said capillary tube.
49. (New) The method of claim 48, wherein freezing the liquid in the capillary tubes comprises:
- cooling a region of each said capillary tube that is adjacent to said second end of said capillary tube to a temperature below the freezing point of the liquid in said capillary tubes.

50. (New) The method of claim 48, wherein said melting said frozen liquid contained in said region of said capillary tubes comprises:

elevating said temperature in said region of each of said capillary tubes to melt said frozen liquid.

51. (New) The method of claim 47, wherein completely filling said capillary tubes comprises:

filling the liquid contained in each of said first set of reservoirs through each of the capillary tubes;

introducing into each of the capillary tubes a bolus of a fluid having a melting point that is higher than that of the liquid contained in said corresponding first set of reservoirs; and

solidifying said bolus in a region of each said capillary tube adjacent said second end of each said capillary tube.

52. (New) The method of claim 51, wherein filling said capillary tubes further comprises:

controlling the temperature of each said capillary tube to allow said boli to travel through said capillary tubes to be disposed at a specific location within said capillary tubes.

53. (New) The method of claim 52, wherein the higher melting point fluid comprises one or more of the group consisting of:

- a polymer substance;
- a wax substance; and
- a immiscible inert fluid.

54. (New) The method of claim 51, wherein dispensing the liquid contained in each of said capillary tubes into said corresponding one of said second set of reservoirs comprises:

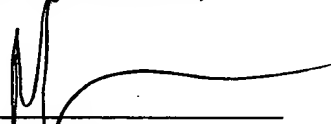
controlling the temperature of each said specified location of said capillary tubes to allow said boli to travel from said specific location within said capillary tube to separate from said capillary tube.

55. (New) The method of claim 51, wherein the temperature is controlled by at least one of the group consisting of a Peltier cooling/heating system, a resistive heating system, a cryogenic fluid flow system and an air flow system.

REMARKS

By the foregoing Amendments Applicants have canceled all pending claims thereby rendering the rejections thereof moot, and have added new claims 41-55. These amendments are believed not to introduce new matter and their entry is respectfully requested. This application is now in condition for allowance. A notice of such is respectfully requested. Should the examiner need or desire to discuss this amendment or any other aspect of this application, Applicants request that the examiner contact the undersigned at the number below.

Respectfully submitted,



Michael G. Verga
Reg. No. 39,410
Tel. (617)439-2871

Attorney Docket No. 104464-00002
Date: October 14, 2003

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS DEPOSITED
WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS
MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT
COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231

1-23-2003

DATE



COPY

Docket No.: 104464-0002
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Richard A. Mathies, et al

Application No.: 09/199,655

Group Art Unit: 1743

Filed: November 25, 1998

Examiner: P. Bex

For: MICROPLATE SAMPLE AND REAGENT
LOADING SYSTEM

LETTER TO THE EXAMINER

Examiner Bex
Commissioner for Patents
Washington, DC 20231

Dear Examiner Bex:

This paper is being filed with a Petition to Revive an unintentionally abandoned application and request for continued examination (RCE) application. Also filed with this paper is a revocation of all previous powers of attorney and appointment of new practitioners, including the undersigned, to prosecute the captioned application on behalf of the assignee of record, Affymetrix, Inc.

Due to the complexities in the prosecution of the parent application, the undersigned requests that the examiner contact the undersigned prior to examining the RCE application to arrange a time at which a substantive interview on the merits can be conducted. The undersigned will then file a Preliminary Amendment for examination.

Dated: January 23, 2003

Respectfully submitted,

By 

Michael G. Verga

Registration No.: 39,410

NUTTER MCCLENNEN & FISH LLP

World Trade Center West

155 Seaport Boulevard

Boston, Massachusetts 02210-2604

(617) 439-2871

Attorneys for Applicant

**COPY**

PTO/SB/64 (10-01)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
104464-0002

First named inventor: Richard A. Mathies

Application No: 09/199,655-Conf. #3941

Art Unit: 1743

Filed: February 28, 2001

Examiner: P. Bex

Title: MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Attention: Office of Petitions
Box DAC
Commissioner for Patents
Washington, DC 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity -- fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.

☒ Other than small entity -- fee \$ 1,300.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form
of Request for Continuing Examination (identify the type of reply):

- ☐ has been filed previously on _____
- ☒ is enclosed herewith.

B. The issue fee of \$ _____

- ☐ has been paid previously on _____
- ☐ is enclosed herewith.

Petition to Revive Application Unintentionally Abandoned

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Box DAC, Commissioner for Patents, Washington, DC 20231, on the date shown below.

Dated: January 23, 2003

Signature: _____

(Michael D. Feller)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

January 23, 2003
Date


Signature

Telephone
Number: (617) 439-2871

Michael G. Verga
Typed or printed name

NUTTER MCCLENNEN & FISH LLP
World Trade Center West
155 Seaport Boulevard
Boston, Massachusetts 02210-2604
Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

Nutter, McInnenn & Fish, LLP

World Trade Center West
155 Seaport Boulevard
Boston, MA 02210-2604

Date:

January 23, 2003

Citizens Bank

5-7017

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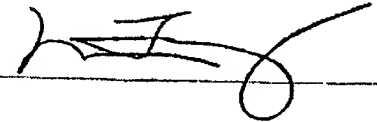
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Pay: One thousand three hundred and 00/100*****

\$ 1,300.00

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Commissioner of Patents and Trademarks



⑈00028503⑈ ⑆211070175⑆ 1131766897⑈

Commissioner of Patents and Trademarks

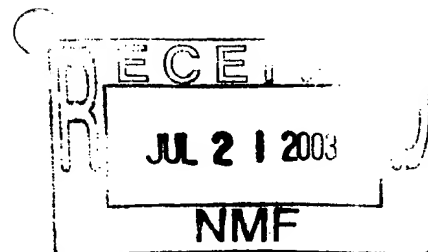
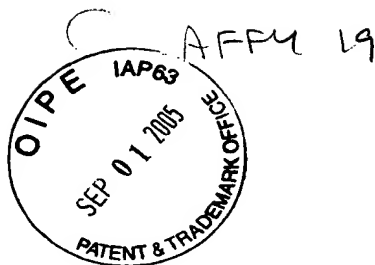
Vendor ID: 001670

Check #28503

<u>Invoice Num</u>	<u>Invoice Date</u>	<u>Invoice Amount</u>	<u>Amount Paid</u>	<u>Discount Taken</u>	<u>Payment Amt</u>
01-23-2003-5	1/23/2003	\$1,300.00	\$1,300.00	\$0.00	\$1,300.00
<u>Disb Date</u>	<u>Client</u>	<u>Matter</u>	<u>Disb</u>	<u>Description</u>	<u>Amount</u>
1/23/2003	0104464	00002	PF	Petition Fee	\$1,300.00
Totals:		\$1,300.00	\$1,300.00	\$0.00	\$1,300.00



Michael F.



July 16, 2003

VIA EXPRESS MAIL

Mail Stop: EBC
Customer Number
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COPY

Re: Customer Number 37403 Upload Spreadsheet

Dear Sir or Madam:

Enclosed please find a list of U.S. patents applications. The enclosed list is being provided in computer readable form as well as in paper form.

We hereby request that these applications be associated with Customer Number 37403.

We also request that those agents and/or attorneys associated with Customer Number 37403 be provided Powers of Attorney via this Customer Number, and that the address of Customer Number 37403 be entered for correspondence purposes in each of the patent applications provided on the enclosed list.

Should you have any questions, please do not hesitate to contact me at 408-731-5277 or by email at Leticia_Block@Affymetrix.com.

Respectfully submitted,

Leticia R. Block

Leticia R. Block
Reg. No. 50,167

Enclosures

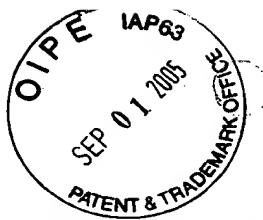
cc: Michael Verga / Nutter McClennen & Fish LLP

3380 Central Expressway
Santa Clara, California 95051
Telephone 408 731 5000
Fax 408 481 0422
www.affymetrix.com

Customer: 37403

Michael Verga / Nutter McClennen & Fish LLP
World Trade Center West
155 Seaport Boulevard
Boston
U.S.A.

AFFM 19 — 09199655	11/25/98	YES	YES	NO
AFFM 21 — 09906411	07/16/01	YES	YES	NO
AFFM 2 — 10285290	10/31/02	YES	YES	NO
AFFM 1 — 10304092	11/25/02	YES	YES	NO
AFFM 9 — 60443983	01/30/03	YES	YES	NO
AFFM 22 — 60435178	12/19/02	YES	YES	NO
AFFM 16 — 09682098	07/19/01	YES	YES	NO



COPY

PTO/SB/30 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL Address to: Commissioner for Patents Box RCE Washington, DC 20231	Application Number	09/199,655-Conf. #3941
	Filing Date	February 28, 2001
	First Named Inventor	Richard A. Mathies
	Group Art Unit	1743
	Examiner Name	P. Bex
	Attorney Docket No.	104464-0002

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114**

a. ☐ Previously submitted

i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

iii. ☐ Other _____

b. ☒ Enclosed

i. ☐ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☒ Other Letter to Examiner Bex

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(f) required)

b. ☐ Other _____

3. **Fees** The RCE fee under 37 CFR 1.17 (e) is required by 37 CFR 1.114 when the RCE is filed.

a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. _____

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other _____

b. ☒ Check in the amount of \$ 750.00 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Name (Print/Type)	Michael G. Verga	Registration No. (Attorney/Agent)	39,410
Signature		Date	January 23, 2003

Request for Continuing Examination	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Box DAC, Commissioner for Patents, Washington, DC 20231, on the date shown below.	
Dated: January 23, 2003	Signature: (Michael D. Feiler)

Nutter, McClennen & Fish, LLP

World Trade Center West
155 Seaport Boulevard
Boston, MA 02210-2604

Date:

January 23, 2003

Citizens Bank

5-7017

2110

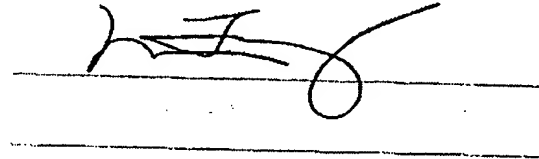
COPY

Pay: Seven hundred fifty and 00/100*****

\$ 750.00

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TO THE
ORDER OF:

Commissioner of Patents and Trademarks



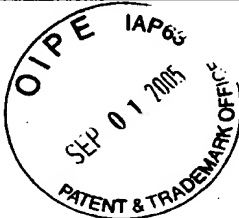
⑈00028504⑈ ⑆211070175⑆ 1131766897⑈

Commissioner of Patents and Trademarks

Vendor ID: 001670

Check #28504

<u>Invoice Num</u>	<u>Invoice Date</u>	<u>Invoice Amount</u>	<u>Amount Paid</u>	<u>Discount Taken</u>	<u>Payment Amt</u>
01-23-2003-6	1/23/2003	\$750.00	\$750.00	\$0.00	\$750.00
<u>Disb Date</u>	<u>Client</u>	<u>Matter</u>	<u>Disb</u>	<u>Description</u>	<u>Amount</u>
1/23/2003	0104464	00002	FILFEE	Filing Fee	\$750.00
Totals:		\$750.00	\$750.00	\$0.00	\$750.00



Michael F.



TRANSMISSION VERIFICATION REPORT

TIME : 02/03/2004 12:29
NAME : JAGTIANI
FAX : 7035915907
TEL : 7035912664
SER. # : BROH2J624365

DATE, TIME
FAX NO. /NAME
DURATION
PAGE(S)
RESULT
MODE

02/03 12:20
7038726906
00:09:03
27
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2-3-03

Ofc of
Petitions



Jagtiani+Gutttag
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➤ **Facsimile Cover Page**

DATE: FEBRUARY 3, 2004

To: OFFICE OF PETITIONS, ATTN: LATRICE BLOCK *Bond*

FAX NUMBER: 703-872-6906

PHONE NUMBER:

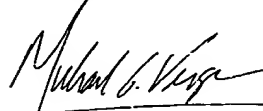
NUMBER OF PAGES (INCLUDING COVER): 26

CONFIRMATION COPY TO FOLLOW: No

MESSAGE:

Enclosed for your attention is a resubmission of a filing first mailed October 14, 2003.

Very truly yours,
JAGTIANI + GUTTAG


Michael G. Verga

MGV:jmh

PLEASE CONTACT US IF THERE IS ANY PROBLEM WITH THE TRANSMISSION OF THIS DOCUMENT.

Confidential notice: The information contained in this facsimile message is intended for the use of the addressee(s) and contains information that is confidential and/or privileged. If you are not the intended recipient or the person responsible for delivering it to the intended recipient, any disclosure, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and destroy this facsimile.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/199,655
Applicant : MATHIES, ET AL.
Filed : NOVEMBER 25, 1998
Title : MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit : 1743
Examiner : WARDEN, JILL ALICE

Atty Docket No. : AFFY-0019-8 (FORMERLY 104464-0002CPA)

Mail Stop Petitions : FAX NUMBER : 703-872-6906
P.O. Box 1450
Alexandria, VA 22313-1450

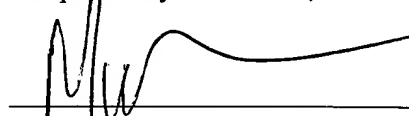
CERTIFICATION OF FACSIMILE TRANSMISSION

Sir:

I hereby certify that the following documents have been facsimile transmitted to the Office of Petitions, United States Patent and Trademark Office, facsimile number 703-872-6906 on February 3, 2004 in connection with the above-captioned application.

- ☒ Letter To Office of Petitions
- ☒ Previously submitted Request for Renewed Petition w/Request for Extension of time (mailed October 14, 2003)
- ☒ Copy of letter mailed June 13, 2003 from Office of Petitions dismissing previously granted petition
- ☒ Patent Fee Transmittal for FY 2004

Respectfully submitted,



Michael G. Verga
Registration Number 39,410

JAGTIANI + GUTTAG
Democracy Square Business Center
10363-A Democracy Lane
Fairfax, Virginia 22030
(703) 591-2664 (telephone)
(703) 591-5907 (fax)

February 3, 2004



Patent Fee Transmittal for FY 2004

☐ Applicant Claims Small Entity Status 37 C.F.R. 1.27

TOTAL AMOUNT OF PAYMENT \$420.00

Application Number 09/199,655
Filing Date November 25, 1998
Named Inventor MATHIES, et al.
Examiner Name Warden, Jill Alice
Art Unit 1743
Attorney Docket No. AFFY-0019-8

FEE CALCULATION

1. Basic Filing Fee

Large Entity		Small Entity		Description	Paid
Code	(\$)	Code	(\$)		
1001	770	2001	385	Utility filing fee	\$ -
1002	340	2002	170	Design filing fee	\$ -
1003	530	2003	265	Plant filing fee	\$ -
1004	770	2004	385	Reissue filing fee	\$ -
1005	160	2005	80	Provisional filing fee	\$ -
1609	730	2609	365	IPEA U.S.	\$ -
1610	770	2610	385	ISA U.S.	\$ -
1611	1,080	2611	540	USPTO not ISA or IPEA	\$ -
1612	100	2612	50	Claims Meet PCT Art. 33-IPEA/US	\$ -
1613	920	2613	460	Filing with EPO or JPO SR	\$ -
Basic Fee Subtotal					\$ -

2. Extra Claim Fee

a. Claims as Filed

Total Claims		Extra Claims	
0	-20 =	0	x
0	-3 =	0	x
Multiple Dependent			

Large Entity		Small Entity		Paid
Code	(\$)	Code	(\$)	
1202	18	2202	9	\$ -
1201	86	2201	43	\$ -
1203	290	2203	145	\$ -

b. Claims as Amended

Total Claims		Highest Paid		Present Extra	
0	-	0	*	0	x
0	-	0	**	0	x
First Presentation of Multiple Dependent					
* Less than 20, enter 20 ** Less than 3, enter 3					

Large Entity		Small Entity		Paid
Code	(\$)	Code	(\$)	
1202	18	2202	9	\$ -
1201	86	2201	43	\$ -
1203	290	2203	145	\$ -

Extra Claim Fee Subtotal \$ -

3. Additional Fees

Large Entity		Small Entity		Description	Paid
Code	(\$)	Code	(\$)		
1251	110	2251	55	Extension for reply first month	\$ -
1252	420	2252	210	Extension for reply second month	\$ 420
1253	950	2253	475	Extension for reply third month	\$ -
1254	1,480	2254	740	Extension for reply fourth month	\$ -
1255	2,010	2255	1,005	Extension for reply fifth month	\$ -
1401	330	2401	165	Notice of Appeal	\$ -
1402	330	2402	165	Filing Brief in Support of Appeal	\$ -
1403	290	2403	145	Request for Oral hearing	\$ -
1460	130	1460	130	Petitions to Commissioner	\$ -
1451	1,510	1451	1,510	Petition - public use proceeding	\$ -
1452	110	2452	55	Petition to Revive - Unavoidable	\$ -
1453	1,330	2453	665	Petition to Revive - Unintentional	\$ -
1501	1,330	2501	665	Utility Issue Fee	\$ -
1502	480	2502	240	Design Issue Fee	\$ -
1503	640	2503	320	Plant Issue Fee	\$ -
1504	300	1504	300	Publication Fee	\$ -
1814	110	2814	55	Statutory Disclaimer	\$ -
1811	100	1811	100	Certificate of Correction	\$ -

(cont.)

3. Additional Fees (cont.)

Large Entity		Small Entity		Description (cont.)	Paid
Code	(\$)	Code	(\$)		
8021	40	8021	40	Recording each Assignment	\$ -
1806	180	1806	180	Submission of IDS	\$ -
1801	770	2801	385	Request for Cont. Examination	\$ -
1809	770	2809	385	Filing Submission After Final	\$ -
1051	130	2051	65	Surcharge - late filing fee or oath	\$ -
1052	50	2052	25	Surcharge - late provisional fee	\$ -
1053	130	1053	130	Non-English Specification	\$ -
1807	50	1807	50	Processing Fee 37 CFR 1.17(q)	\$ -
1812	2,520	1812	2,520	Request for Ex Parte Reexamination	\$ -
1804	920	1804	920	Request Pub. of SIR prior	\$ -
1805	1,840	1805	1,840	Request Pub. of SIR after	\$ -
1810	770	2810	385	Each Add. Invention Examined	\$ -
1802	900	1802	900	Expedited Examination (Design)	\$ -
1551	910	2551	455	Maintenance Fees 3.5 years	\$ -
1552	2,090	2552	1,045	Maintenance Fees 7.5 years	\$ -
1553	3,220	2553	1,610	Maintenance Fees 11.5 years	\$ -
1554	130	2554	65	Surcharge - Late Payment 6 mos.	\$ -
Other fee					\$ -

Additional Fee Subtotal \$ 420

METHOD OF PAYMENT

☒ Deposit Account No. 10-0233-AFFY-0019-8

☒ The Commissioner is hereby authorized to charge the amount shown above and any additional fees which may be required under 37 CFR 1.16, 1.17, 1.18, 1.20 and 1.492 or credit any overpayment to the deposit account number listed above.

Name Michael G. Verga Reg. No. 39,410
Firm Jagtiani + Guttag
Address 10363-A Democracy Lane, Fairfax VA 22030
Telephone 703.591.2664 Fax 703.591.5907

Signature

February 3, 2004

Date



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/199,655
Applicant : MATHIES, ET AL.
Filed : NOVEMBER 25, 21998
Title : MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit : 1743
Examiner : WARDEN, JILL ALICE

Atty Docket No. : AFFY-0019-8 (FORMERLY 104464-0002CPA)

Mail Stop Petitions
P.O. Box 1450
Alexandria, VA 22313-1450

FAX NUMBER : 703-872-6906

LETTER TO OFFICE OF PETITIONS

Sir:

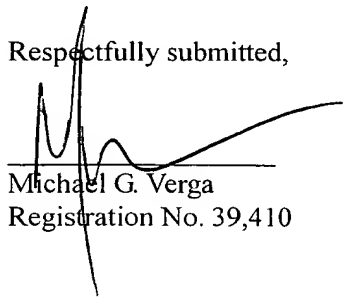
On Monday, February 2, 2004, Ms. Joyce Hanline of this office spoke with Ms. Latrice Bond, Paralegal Specialist at the Office of Petitions. Inquiry was made as to whether the Office of Petitions had received the October 14, 2003 filing of a Renewed Petition to Revive, as well as a Two-Month Extension of Time. Ms. Bond indicated that there was no record of the October 14th filing and suggested that a copy be faxed to the Office of Petitions

Enclosed is a copy of the documents included in the October 14, 2003 filing that was not received by the Office of Petitions. Also enclosed is a copy of the June 13, 2003 letter from the Office of Petitions dismissing the previously granted petition for revival.

As the original check in the amount of \$420.00 included in the October 14th filing was also not received, the Commissioner is hereby authorized to charge \$420.00 to Deposit Account Number **10-0233 AFFY-0019-8**. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 10-0233 pursuant to 37 CFR 1.25. Additionally, please charge any fees to Deposit Account 10-0233 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed. If extensions of time are necessary to allow consideration of this paper, then such extensions of time are hereby petitioned under 37 C.F.R. 1.136(a), and any fees required therefore, including fees for net addition of claims, are hereby authorized to be charged to Deposit Account No. 10-0233.

Your prompt attention to this Renewed Petition to Revive is respectfully requested.

Respectfully submitted,


Michael G. Verga
Registration No. 39,410

February 3, 2004
JAGTIANI + GUTTAG
Democracy Square Business Center
10363-A Democracy Lane
Fairfax, Virginia 22030
(703) 591-2664

Atty Docket No.: 104464-0002CPA

Inventor: Richard A. Mathies, et al.

Application No.: 09/199,655-Conf. #3941 **Filing Date:** November 25, 1998
Title: MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Documents Filed:

(x2)
Transmittal (1 page), Fee Transmittal, Check # 34373 \$420.00,
Two Month Request for Extension of Time Under 37 CFR 1.136(a) (1 page) (2x)
Renewed Petition Under 37 C.F.R. 1.137(b) (2 pages)
Response and Amendment (5 pages)
Copies of Previously filed RCE with copy of check \$750.00, Petition to Revive Unintentionally
Abandoned Application with copy of check \$1,300.00, Letter to Examiner

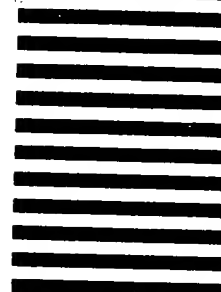
Via: First Class Mail

Sender's Initials: MGV/bjw
1179617

Date: October 14, 2003



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PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/199,655-Conf. #3941	
	Filing Date	November 25, 1998	
	First Named Inventor	Richard A. Mathies	
	Art Unit	1743	
	Examiner Name	P. Bex	
Total Number of Pages in This Submission	1	Attorney Docket Number	104464-0002RCE

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> 2-Month Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Renewed Petition Under 37 CFR 1.137(b) <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Check \$420.00 2. Copies of Previously Filed RCE with copy of check, Petition to Revive with copy of check, Letter to Examiner
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	NUTTER MCCLENNEN & FISH LLP Michael G. Verga
Signature	
Date	October 14, 2003

Transmittal

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: October 14, 2003

Signature: (Michael G. Verga)



Use in lieu of PTO/SB/17 (08-03)
(Form updated to reflect FY 2004 fees effective 10/1/03)

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 420.00

Complete if Known

Application Number 09/199,655-Conf. #3941
Filing Date November 25, 1998
First Named Inventor Richard A. Mathies
Examiner Name P. Bex
Art Unit 1743
Attorney Docket No. 104464-0002RCE

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number

141449

Deposit Account Name

Nutter McClennen & Fish LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$ 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	x	=
Multiple Dependent	-3** =	x	=

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	420.00
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 420.00

SUBMITTED BY

Name (Print/Type) Michael G. Verga

Registration No. (Attorney/Agent)

39,410

(Complete if applicable)

Telephone (617) 439-2000

Signature

Date

October 14, 2003

1264235.1

Fee Transmittal

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: October 14, 2003

Signature: (Michael G. Verga)



Nutter, McClennen & Fish, LLP

World Trade Center West
155 Seaport Boulevard
Boston, MA 02210-2604

Date:

October 14, 2003

Check No. 34373

Citizens Bank

5-7017

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Pay: Four hundred twenty and 00/100*****

\$ 420.00

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ORDER OF

Commissioner of Patents and Trademarks

⑈00034373⑈ ⑆211070175⑆ 1131766897⑈

Commissioner of Patents and Trademarks

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Check #:34373

<u>Invoice Num</u>	<u>Invoice Date</u>	<u>Invoice Amount</u>	<u>Amount Paid</u>	<u>Discount Taken</u>	<u>Payment Amt</u>
10/14/03	10/14/2003	\$420.00	\$420.00	\$0.00	\$420.00
<u>Disb Date</u>	<u>Client</u>	<u>Matter</u>	<u>Disb</u>	<u>Description</u>	<u>Amount</u>
10/14/2003	0104464	00002	EF	Extension Fee	\$420.00
Totals:		\$420.00	\$420.00	\$0.00	\$420.00



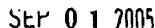
Use in lieu of PTO/SB/17 (08-03)
(Form updated to reflect FY 2004 fees effective 10/1/03)

FEE TRANSMITTAL		for FY 2004																																																																																																																																																																																																					
<small>Effective 10/01/2003, Patent fees are subject to annual revision.</small>		Complete if Known																																																																																																																																																																																																					
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		Examiner Name	P. Bex																																																																																																																																																																																																				
TOTAL AMOUNT OF PAYMENT (\$)		420.00	Attorney Docket No. 104464-0002RCE																																																																																																																																																																																																				
METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)																																																																																																																																																																																																					
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Deposit Account: Deposit Account Number: 141449 Deposit Account Name: Nutter McClennen & Fish LLP		<table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th colspan="2">Large Entity</th><th colspan="2">Small Entity</th><th rowspan="2">Fee Description</th><th rowspan="2">Fee Paid</th></tr><tr><th>Fee Code</th><th>Fee (\$)</th><th>Fee Code</th><th>Fee (\$)</th></tr></thead><tbody><tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr><tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr><tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr><tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr><tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr><tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr><tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr><tr><td>1252</td><td>420</td><td>2252</td><td>210</td><td>Extension for reply within second month</td><td>420.00</td></tr><tr><td>1253</td><td>950</td><td>2253</td><td>475</td><td>Extension for reply within third month</td><td></td></tr><tr><td>1254</td><td>1,480</td><td>2254</td><td>740</td><td>Extension for reply within fourth month</td><td></td></tr><tr><td>1255</td><td>2,010</td><td>2255</td><td>1,005</td><td>Extension for reply within fifth month</td><td></td></tr><tr><td>1401</td><td>330</td><td>2401</td><td>165</td><td>Notice of Appeal</td><td></td></tr><tr><td>1402</td><td>330</td><td>2402</td><td>165</td><td>Filing a brief in support of an appeal</td><td></td></tr><tr><td>1403</td><td>290</td><td>2403</td><td>145</td><td>Request for oral hearing</td><td></td></tr><tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr><tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr><tr><td>1453</td><td>1,330</td><td>2453</td><td>665</td><td>Petition to revive - unintentional</td><td></td></tr><tr><td>1501</td><td>1,330</td><td>2501</td><td>665</td><td>Utility issue fee (or reissue)</td><td></td></tr><tr><td>1502</td><td>480</td><td>2502</td><td>240</td><td>Design issue fee</td><td></td></tr><tr><td>1503</td><td>640</td><td>2503</td><td>320</td><td>Plant issue fee</td><td></td></tr><tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr><tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td><td></td></tr><tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr><tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr><tr><td>1809</td><td>770</td><td>2809</td><td>385</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr><tr><td>1810</td><td>770</td><td>2810</td><td>385</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr><tr><td>1801</td><td>770</td><td>2801</td><td>385</td><td>Request for Continued Examination (RCE)</td><td></td></tr><tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr><tr><td colspan="6">Other fee (specify) _____</td></tr><tr><td colspan="6">*Reduced by Basic Filing Fee Paid</td></tr><tr><td colspan="6" style="text-align: right;">SUBTOTAL (3) (\$) 420.00</td></tr></tbody></table>		Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65	Surcharge - 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SUBMITTED BY		(Complete if applicable)	
Name (Print/Type)	Michael G. Verga	Registration No. (Attorney/Agent)	39,410
Signature		Telephone	(617) 439-2000
		Date	October 14, 2003

1264235.1

Fee Transmittal	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
Dated: October 14, 2003	Signature: (Michael G. Verga)



U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Docket No. (Optional)

104464-0002RCE

In re Application of **Richard A. Mathies and Peter C. Simpson**

Application Number

09/199,655-Conf. #3941

Filed

November 25, 1998

For: MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit

1743

Examiner

P. Bex

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

- | | | | |
|-------------------------------------|----------------------------------|----|--------|
| <input type="checkbox"/> | One month (37 CFR 1.17(a)(1)) | \$ | |
| <input checked="" type="checkbox"/> | Two months (37 CFR 1.17(a)(2)) | \$ | 420.00 |
| <input type="checkbox"/> | Three months (37 CFR 1.17(a)(3)) | \$ | |
| <input type="checkbox"/> | Four months (37 CFR 1.17(a)(4)) | \$ | |
| <input type="checkbox"/> | Five months (37 CFR 1.17(a)(5)) | \$ | |

- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ _____.
- ☒ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 141449.

I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor.
☐ assignee of record of the entire interest. See 37 CFR 3.71.
 Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
☐ attorney or agent of record. Registration Number _____
☒ attorney or agent under 37 CFR 1.34(a).
 Registration number if acting under 37 CFR 1.34(a) 39,410

October 14, 2003

Date _____

(617) 439-2000

Telephone Number

Signature _____

Michael G. Verga

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required. see below

- ☐ Total of 1 forms are submitted.

Two Month Request for Extension of Time Under 37 CFR 1.136(a)

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Dated: October 14, 2003

Signature: Michael G. Verqa (Michael G. Verqa)



PTO/SB/22 (08-03)

Approved for use through 7/31/2006. OMB 0651-0031

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket No. (Optional) 104464-0002RCE																									
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Two Month Request for Extension of Time Under 37 CFR 1.136(a)	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
Dated: October 14, 2003	Signature: <u>Michael G. Verga</u> (Michael G. Verga)

1264240.1



Docket No.: 104464-0002
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Richard A. Mathies, et al

Application No.: 09/199,655

Group Art Unit: 1743

Filed: November 25, 1998

Examiner: P. Bex

For: MICROPLATE SAMPLE AND REAGENT
LOADING SYSTEM

RENEWED PETITION TO REVIVE

Office of Petitions
Office of the Deputy Commissioner for Patent Examination Policy
Washington, DC 20231

Dear Sir or Madam::

This is a Renewed Petition to Revive an abandoned application under 37 CFR 1.137(b).

A Petition to Revive an unintentionally abandoned application and request for continued examination (RCE) application was filed on January 23, 2003. The Petition was initially granted.

Applicants included with the above Petition a Letter to the Examiner requesting a substantive interview when the application was returned to the art unit, and prior to examination. The purpose of the interview was to confirm the undersigned representative's understanding of the state of the claims as they currently stood at the time of abandonment. As noted in that Letter, once such understanding was obtained, Applicants were to file a reply to the outstanding office action. However, the noted Petition was later dismissed due to a failure to include such a substantive reply.

Application No.: 09/199,655

Docket No.: 104464-0002CPA

The Office of Petitions informed the undersigned that the filing of this Renewed Petition would be readily granted if accompanied by a substantive response and the requisite petition for extension of time. Such papers are filed herewith along with copies of the initial petition.

Dated: October 14, 2003

Respectfully submitted,

By 

Michael G. Verga

Registration No.: 39,410

NUTTER MCCLENNEN & FISH LLP

World Trade Center West

155 Seaport Boulevard

Boston, Massachusetts 02210-2604

(617) 439-2871

Attorneys for Applicants



ATTNY DOCKET NO. 104464-00002

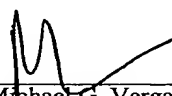
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mathies et al.
Serial No.: 09/199,655
Filing Date: November 25, 1998
For: MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Examiner: P. Bex
Art Unit: 1743

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to: M/S Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 14th day of October, 2003.


Michael G. Verga

RESPONSE & AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Applicant submits the following Response & Amendment in Reply to the Office Action dated November 27, 2001.

It is not believed that extension of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in document accompanying this paper. However, if additional extensions of time are necessary to allow consideration of this paper, then such extensions of time are hereby petitioned under 37 C.F.R. 1.136(a), and any fees required therefore, including fees for net addition of claims, are hereby authorized to be charged to our Deposit Account No. 14-1449.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 5 of this paper.

AMENDMENTS TO THE CLAIMS

The following listing of claims will replace all prior versions, and listings, of claims in the captioned patent application.

Listing of Claims

- 1-40 (Canceled)
41. (New) A liquid-handling system for transferring liquid between a first container and a second container, comprising:
- a plurality of capillary tubes each having a first end positioned in the first container and a second end positioned in or above a receiving reservoir of the second container;
 - a pressure housing encasing the first container and configured to cause liquid contained in the first container to be transferred through the capillary tubes to the second container; and
 - a liquid stop mechanism disposed adjacent to the second end of the capillary tubes that enables the capillary tubes to be completely filled prior to dispensing the liquid into the receiving reservoir.
42. (New) The system of claim 41, wherein said liquid stop mechanism comprises:
- a capillary cooler through which a portion of said capillary tubes extend to define a cold region of the capillary tube.
-
43. (New) The system of claim 42, wherein said capillary cooler comprises one or more of the group consisting of:
- a Peltier cooling/heating system;
 - a resistive heating system;
 - a cryogenic fluid flow system; and
 - an air flow system.
44. (New) The system of claim 42, wherein said liquid stop mechanism comprises:
- a flow system comprising a flow chamber having chamber walls defining an flow cavity through which temperature-controlled cooling fluid or gas flows, wherein said cold region of said capillary tubes are disposed in said flow cavity.

45. (New) The system of claim 44, wherein said cooling fluid or gas comprises at least one of the group consisting of air, water and liquid nitrogen.

46. (New) The system of claim 44, wherein said chamber walls are insulated.

47. (New) A method for transferring liquid between a first set of reservoirs and a second set of reservoirs via a plurality of capillary tubes each having a first end positioned in a corresponding one of said first set of reservoirs and a second end positioned in or above a corresponding one of said second set of reservoirs, the method comprising:

completely filling said capillary tubes with liquid contained in each said corresponding first set of reservoirs; and

subsequent to said complete filling of all said capillary tubes, dispensing the liquid contained in each of said capillary tubes into said corresponding one of said second set of reservoirs.

48. (New) The method of claim 47, wherein completely filling said capillary tubes comprises:

applying a differential pressure across said capillary tubes sufficient to cause the liquid contained in the corresponding first set of reservoirs to travel through said corresponding capillary tubes;

~~freezing the liquid in a region of each said capillary tube that is adjacent to said~~
second end of said capillary tubes;

ceasing said application of said differential pressure;

melting said frozen liquid in said region of each said capillary tube; and

reapplying said differential pressure to dispense into said corresponding set of second reservoirs said liquid contained in each said capillary tube.

49. (New) The method of claim 48, wherein freezing the liquid in the capillary tubes comprises:

cooling a region of each said capillary tube that is adjacent to said second end of said capillary tube to a temperature below the freezing point of the liquid in said capillary tubes.

50. (New) The method of claim 48, wherein said melting said frozen liquid contained in said region of said capillary tubes comprises:

elevating said temperature in said region of each of said capillary tubes to melt said frozen liquid.

51. (New) The method of claim 47, wherein completely filling said capillary tubes comprises:

filling the liquid contained in each of said first set of reservoirs through each of the capillary tubes;

introducing into each of the capillary tubes a bolus of a fluid having a melting point that is higher than that of the liquid contained in said corresponding first set of reservoirs; and

solidifying said bolus in a region of each said capillary tube adjacent said second end of each said capillary tube.

52. (New) The method of claim 51, wherein filling said capillary tubes further comprises:

controlling the temperature of each said capillary tube to allow said boli to travel through said capillary tubes to be disposed at a specific location within said capillary tubes.

53. (New) The method of claim 52, wherein the higher melting point fluid comprises one or more of the group consisting of:

- a polymer substance;
- a wax substance; and
- a immiscible inert fluid.

54. (New) The method of claim 51, wherein dispensing the liquid contained in each of said capillary tubes into said corresponding one of said second set of reservoirs comprises:

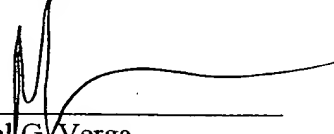
controlling the temperature of each said specified location of said capillary tubes to allow said boli to travel from said specific location within said capillary tube to separate from said capillary tube.

55. (New) The method of claim 51, wherein the temperature is controlled by at least one of the group consisting of a Peltier cooling/heating system, a resistive heating system, a cryogenic fluid flow system and an air flow system.

REMARKS

By the foregoing Amendments Applicants have canceled all pending claims thereby rendering the rejections thereof moot, and have added new claims 41-55. These amendments are believed not to introduce new matter and their entry is respectfully requested. This application is now in condition for allowance. A notice of such is respectfully requested. Should the examiner need or desire to discuss this amendment or any other aspect of this application, Applicants request that the examiner contact the undersigned at the number below.

Respectfully submitted,



Michael G. Verga
Reg. No. 39,410
Tel. (617)439-2871

Attorney Docket No. 104464-00002
Date: October 14, 2003

HEREBY CERTIFY THAT THIS CORRESPONDENCE IS DEPOSITED
WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO:
COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231

1-23-2003

DATE



COPY

Docket No.: 104464-0002
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Richard A. Mathies, et al

Application No.: 09/199,655

Group Art Unit: 1743

Filed: November 25, 1998

Examiner: P. Bex

For: MICROPLATE SAMPLE AND REAGENT
LOADING SYSTEM

LETTER TO THE EXAMINER

Examiner Bex
Commissioner for Patents
Washington, DC 20231

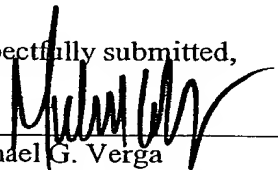
Dear Examiner Bex:

This paper is being filed with a Petition to Revive an unintentionally abandoned application and request for continued examination (RCE) application. Also filed with this paper is a revocation of all previous powers of attorney and appointment of new practitioners, including the undersigned, to prosecute the captioned application on behalf of the assignee of record, Affymetrix, Inc.

Due to the complexities in the prosecution of the parent application, the undersigned requests that the examiner contact the undersigned prior to examining the RCE application to arrange a time at which a substantive interview on the merits can be conducted. The undersigned will then file a Preliminary Amendment for examination.

Dated: January 23, 2003

Respectfully submitted,

By 
Michael G. Verga
Registration No.: 39,410
NUTTER MCCLENNEN & FISH LLP
World Trade Center West
155 Seaport Boulevard
Boston, Massachusetts 02210-2604
(617) 439-2871
Attorneys for Applicant



COPY

PTO/SB/64 (10-01)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
104464-0002

First named inventor: Richard A. Mathies

Application No: 09/199,655-Conf. #3941

Art Unit: 1743

Filed: February 28, 2001

Examiner: P. Bex

Title: MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Attention: Office of Petitions
Box DAC
Commissioner for Patents
Washington, DC 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity – fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.

☒ Other than small entity – fee \$ 1,300.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form
of Request for Continuing Examination (identify the type of reply):

- ☐ has been filed previously on _____
- ☒ is enclosed herewith.

B. The issue fee of \$ _____

- ☐ has been paid previously on _____
- ☐ is enclosed herewith.

Petition to Revive Application Unintentionally Abandoned

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Box DAC, Commissioner for Patents, Washington, DC 20231, on the date shown below.

Dated: January 23, 2003

Signature: [Signature] (Michael D. Feiler)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

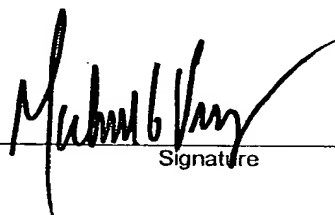
3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

January 23, 2003

Date



Signature

Telephone
Number:

(617) 439-2871

Michael G. Verga
Typed or printed nameNUTTER MCLENNEN & FISH LLP
World Trade Center West
155 Seaport Boulevard
Boston, Massachusetts 02210-2604
AddressEnclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☐ Other: _____

World Trade Center West
155 Seaport Boulevard
Boston, MA 02210-2604

Date:

January 25, 2003

Citizens Bank

5-7017

2110

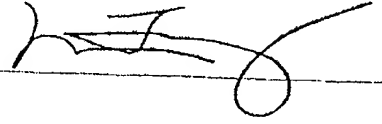
COP

Pay: One thousand three hundred and 00/100*****

\$ 1,300.00

PAY
TO THE
ORDER OF:

Commissioner of Patents and Trademarks



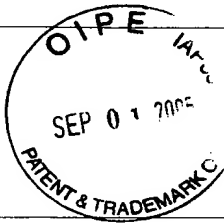
⑈00028503⑈ ⑆211070175⑆ 1131766897⑈

Commissioner of Patents and Trademarks

Vendor ID: 001670

Check #28503

<u>Invoice Num</u>	<u>Invoice Date</u>	<u>Invoice Amount</u>	<u>Amount Paid</u>	<u>Discount Taken</u>	<u>Payment Amt</u>
01-23-2003-5	1/23/2003	\$1,300.00	\$1,300.00	\$0.00	\$1,300.00
<u>Disb Date</u>	<u>Client</u>	<u>Matter</u>	<u>Disb</u>	<u>Description</u>	<u>Amount</u>
1/23/2003	0104464	00002	PF	Petition Fee	\$1,300.00
Totals:		\$1,300.00	\$1,300.00	\$0.00	\$1,300.00



Michael F.



30PY

PTO/SB/30 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL Address to: Commissioner for Patents Box RCE Washington, DC 20231	Application Number	09/199,655-Conf. #3941
	Filing Date	February 28, 2001
	First Named Inventor	Richard A. Mathies
	Group Art Unit	1743
	Examiner Name	P. Bex
	Attorney Docket No.	104464-0002

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114**

a. ☐ Previously submitted

i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

iii. ☐ Other _____

b. ☒ Enclosed

i. ☐ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☒ Other Letter to Examiner Bex

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. **Fees** The RCE fee under 37 CFR 1.17 (e) is required by 37 CFR 1.114 when the RCE is filed.

a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. _____

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other _____

b. ☒ Check in the amount of \$ 750.00 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Name (Print/Type)	Michael G. Verga	Registration No. (Attorney/Agent)	39,410
Signature		Date	January 23, 2003

Request for Continuing Examination

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Box DAC, Commissioner for Patents, Washington, DC 20231, on the date shown below.

Dated: January 23, 2003 Signature: (Michael D. Feiler)

World Trade Center West
155 Seaport Boulevard
Boston, MA 02210-2604

Date:

January 23,

Citizens Bank

5-7017

2110

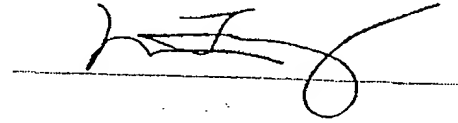
COPY

Pay: Seven hundred fifty and 00/100*****

\$ 750.00

PAY
TO THE
ORDER OF:

Commissioner of Patents and Trademarks



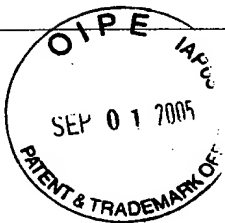
⑈00028504⑈ ⑆211070175⑆ 1131766897⑈

Commissioner of Patents and Trademarks

Vendor ID: 001670

Check #:28504

<u>Invoice Num</u>	<u>Invoice Date</u>	<u>Invoice Amount</u>	<u>Amount Paid</u>	<u>Discount Taken</u>	<u>Payment Amt</u>
01-23-2003-6	1/23/2003	\$750.00	\$750.00	\$0.00	\$750.00
<u>Disb Date</u>	<u>Client</u>	<u>Matter</u>	<u>Disb</u>	<u>Description</u>	<u>Amount</u>
1/23/2003	0104464	00002	FILFEE	Filing Fee	\$750.00
Totals:		\$750.00	\$750.00	\$0.00	\$750.00



Michael F.



UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents
United States Patent and Trademark Office
PO Box 1450
Arlington, VA 22313-1450
www.uspto.gov

Paper No. 30

JUN 16 2003

Nutter McClennen & Fish, LLP
World Trade Center West
155 Seaport Boulevard
Boston, MA 02210-2604

COPY MAILED

JUN 13 2003

OFFICE OF PETITIONS

In re Application of
Richard A. Mathies et al.
Application No. 09/199,655
Filed: November 25, 1998
Attorney Docket No. 104464-0002

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 29, 2003, to revive the above-identified application. The decision mailed March 24, 2003 is vacated.

The petition is **DISMISSED**.

The application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner in reply to the final Office action mailed November 27, 2001, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 CFR 1.136 have been obtained. Accordingly, the application became abandoned on February 28, 2002.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

RECEIVED
AUG 13, 2003 -
REQUEST
RECONSIDERATION

Docket Department
Reviewed _____ by _____
Docketed _____ by _____
Retrieved _____ by _____
NMF

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) were filed with the petition to revive on January 29, 2003. The request however, lacks the submission required by 37 CFR 1.114. A submission as used in 37 CFR 1.114 includes, but is not limited to, an information disclosure statement, an amendment to the written descriptions, claims, new arguments, or new evidence in support of patentability. See 37 CFR 1.114(c) and MPEP Section § 706.07(g).

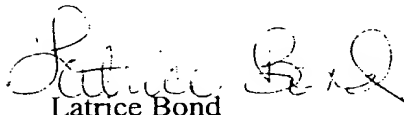
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 PO Box 1450
 Arlington, VA 22313-1450

By facsimile: (703) 308-6916
 Attn: Office of Petitions

By hand: Office of Petitions
 2201 South Clark Place
 Crystal Plaza 4, Suite 3C23
 Arlington, VA 22202

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.



Latrice Bond
Paralegal Specialist
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

PATENT

JAGTIANI + GUTTAG - Democracy Square Business Center, 10363-A Democracy Lane, Fairfax, VA 22030

Serial No.: 09/199,655

Filed: November 25, 1998

Atty. Docket No.: AFFY-0019-8

Applicants: MATHIES, *et al.*

For: MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

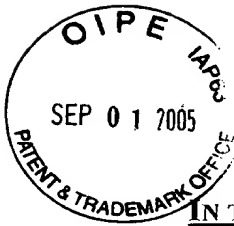
DELIVER TO: ☒ MAIL ROOM ☐ ART UNIT: ☐ _____

Special Instructions: _____

The PTO stamp hereon acknowledges receipt of:

- ☒ Status Inquiry
- ☒ Patent Fee Transmittal Form and Authorization to Charge Deposit Account





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/199,655
Applicant : MATHIES, ET AL.
Filed : NOVEMBER 25, 1998
Title : MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit : 1743
Examiner : WARDEN, JILL ALICE

Atty Docket No. : AFFY-0019-8

Mail Stop Petitions
P.O. Box 1450
Alexandria, VA 22313-1450

LETTER

Sir:

The below-identified communication(s) is (are) submitted in the above-captioned application or proceeding:

- ☒ Status Inquiry
- ☒ Patent Fee Transmittal Form and Authorization to Charge Deposit Account
- ☒ The Commissioner is hereby authorized to charge payment of any fees associated with this communication, including fees under 37 C.F.R. §§ 1.16 and 1.17 or credit any overpayment to **Deposit Account Number 10-0233-AFFY-0019-8.**

Respectfully submitted,

Michael G. Verga
Registration Number 39,410

JAGTIANI + GUTTAG
Democracy Square Business Center
10363-A Democracy Lane
Fairfax, Virginia 22030
(703) 591-2664

May 6, 2004



Patent Fee Transmittal for FY 2004

☐ Applicant Claims Small Entity Status 37 C.F.R. 1.27

TOTAL AMOUNT OF PAYMENT \$0.00

Application Number 09/199,655
Filing Date November 25, 1998
Named Inventor MATHIES, et al.
Examiner Name Warden, Jill Alice
Art Unit 1743
Attorney Docket No. AFFY-0019-8

FEE CALCULATION

1. Basic Filing Fee

Large Entity		Small Entity		Description	Paid
Code	(\$)	Code	(\$)		
1001	770	2001	385	Utility filing fee	\$ -
1002	340	2002	170	Design filing fee	\$ -
1003	530	2003	265	Plant filing fee	\$ -
1004	770	2004	385	Reissue filing fee	\$ -
1005	160	2005	80	Provisional filing fee	\$ -
1609	730	2609	365	IPEA U.S.	\$ -
1610	770	2610	385	ISA U.S.	\$ -
1611	1,080	2611	540	USPTO not ISA or IPEA	\$ -
1612	100	2612	50	Claims Meet PCT Art. 33-IPEA/US	\$ -
1613	920	2613	460	Filing with EPO or JPO SR	\$ -

Basic Fee Subtotal \$ -

2. Extra Claim Fee

Large Entity		Small Entity		Description	Paid
Code	(\$)	Code	(\$)		
1202	18	2202	9		\$ -
1201	86	2201	43		\$ -
1203	290	2203	145		\$ -

Large Entity		Small Entity		Description	Paid
Code	(\$)	Code	(\$)		
1202	18	2202	9		\$ -
1201	86	2201	43		\$ -
1203	290	2203	145		\$ -

Extra Claim Fee Subtotal \$ -

3. Additional Fees

Large Entity		Small Entity		Description	Paid
Code	(\$)	Code	(\$)		
1251	110	2251	55	Extension for reply first month	\$ -
1252	420	2252	210	Extension for reply second month	\$ -
1253	950	2253	475	Extension for reply third month	\$ -
1254	1,480	2254	740	Extension for reply fourth month	\$ -
1255	2,010	2255	1,005	Extension for reply fifth month	\$ -
1401	330	2401	165	Notice of Appeal	\$ -
1402	330	2402	165	Filing Brief in Support of Appeal	\$ -
1403	290	2403	145	Request for Oral hearing	\$ -
1460	130	1460	130	Petitions to Commissioner	\$ -
1451	1,510	1451	1,510	Petition - public use proceeding	\$ -
1452	110	2452	55	Petition to Revive - Unavoidable	\$ -
1453	1,330	2453	665	Petition to Revive - Unintentional	\$ -
1501	1,330	2501	665	Utility Issue Fee	\$ -
1502	480	2502	240	Design Issue Fee	\$ -
1503	640	2503	320	Plant Issue Fee	\$ -
1504	300	1504	300	Publication Fee	\$ -
1814	110	2814	55	Statutory Disclaimer	\$ -
1811	100	1811	100	Certificate of Correction	\$ -

(cont.)

3. Additional Fees (cont.)

Large Entity		Small Entity		Description (cont.)	Paid
Code	(\$)	Code	(\$)		
8021	40	8021	40	Recording each Assignment	\$ -
1806	180	1806	180	Submission of IDS	\$ -
1801	770	2801	385	Request for Cont. Examination	\$ -
1809	770	2809	385	Filing Submission After Final	\$ -
1051	130	2051	65	Surcharge - late filing fee or oath	\$ -
1052	50	2052	25	Surcharge - late provisional fee	\$ -
1053	130	1053	130	Non-English Specification	\$ -
1807	50	1807	50	Processing Fee 37 CFR 1.17(q)	\$ -
1812	2,520	1812	2,520	Request for Ex Parte Reexamination	\$ -
1804	920	1804	920	Request Pub. of SIR prior	\$ -
1805	1,840	1805	1,840	Request Pub. of SIR after	\$ -
1810	770	2810	385	Each Add. Invention Examined	\$ -
1802	900	1802	900	Expedited Examination (Design)	\$ -
1551	910	2551	455	Maintenance Fees 3.5 years	\$ -
1552	2,090	2552	1,045	Maintenance Fees 7.5 years	\$ -
1553	3,220	2553	1,610	Maintenance Fees 11.5 years	\$ -
1554	130	2554	65	Surcharge - Late Payment 6 mos.	\$ -
				Other fee	\$ -

Additional Fee Subtotal \$ -

METHOD OF PAYMENT

☒ Deposit Account No. **10-0233-AFFY-0019-8**

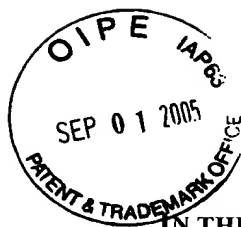
☒ The Commissioner is hereby authorized to charge the amount shown above and any additional fees which may be required under 37 CFR 1.16, 1.17, 1.18, 1.20 and 1.492 or credit any overpayment to the deposit account number listed above.

Name **Michael G. Verga** Reg. No. **39,410**
Firm **Jagtiani + Guttat**
Address **10363-A Democracy Lane, Fairfax VA 22030**
Telephone **703.591.2664** Fax **703.591.5907**

Signature

May 6, 2004

Date



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/199,655
Applicant : MATHIES, ET AL.
Filed : NOVEMBER 25, 1998
Title : MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit : 1743
Examiner : WARDEN, JILL ALICE

Atty Docket No. : AFFY-0019-8

Mail Stop Petitions
P.O. Box 1450
Alexandria, VA 22313-1450

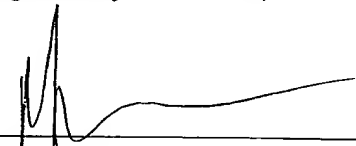
STATUS INQUIRY

Sir:

On October 14, 2003, a Renewed Petition to Revive, as well as a Two-Month Extension of Time was filed with the Office of Petitions. On February 2, 2004, Ms. Latrice Bond, Paralegal Specialist at the Office of Petitions was contacted and indicated that there was no record that the Renewed Petition to Revive was received. On February 3, 2004, the Renewed Petition to Revive was faxed to the Office of Petitions. Applicant has not received any further communications from the U.S. Patent and Trademark Office with respect to the present application.

Therefore, Applicant hereby requests to be informed of the status of the above-identified application.

Respectfully submitted,



Michael G. Verga
Registration Number 39,410

JAGTIANI + GUTTAG
Democracy Square Business Center
10363-A Democracy Lane
Fairfax, Virginia 22030
(703) 591-2664

May 6, 2004

TRANSMISSION VERIFICATION REPORT

TIME : 06/30/2004 10:27
NAME : JAGTIANI
FAX : 7035915907
TEL : 7035912664
SER.# : BROH2J624365

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

06/30 10:23
7033054257
00:04:31
37
OK
STANDARD
ECM



Jagtiani+Gutttag
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➤ **Facsimile Cover Page**

DATE: JUNE 30, 2004

To: OFFICE OF PETITIONS
ATTN: MR. JOHN J. GILLON, JR., SENIOR ATTORNEY

FAX NUMBER: 703-305-4257 (COURTESY FAX)

PHONE NUMBER: 703-305-9199

NUMBER OF PAGES (INCLUDING COVER): 37

CONFIRMATION COPY TO FOLLOW: NO

MESSAGE:

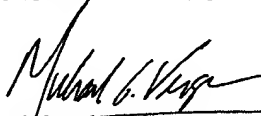
Dear Mr. Gillon:

Pursuant to our conversation this morning, we provide you with the following documents:

- Our facsimile of February 3, 2004 to Latrice Bond providing a Letter to the Office of Petitions summarizing events to that date, along with a copy of the previously submitted Request for Renewed Petition filed on October 14, 2003, which was not entered into the record of this application.
- A copy of the Status Inquiry mailed May 6, 2004 in response to which was mailed to us the same Notice of Abandonment mailed October 29, 2002 therefore indicating that the above facsimile of the Renewed Petition was also not entered into the record.

We thank you for your assistance in this matter and will contact you shortly to confirm receipt of this document.

Respectfully submitted,
JAGTIANI + GUTTAG


Michael G. Verga

MGV:rwI

PLEASE CONTACT US IF THERE IS ANY PROBLEM WITH THE TRANSMISSION OF THIS DOCUMENT.

Confidential notice: The information contained in this facsimile message is intended for the use of the addressee(s) and contains information that is confidential and/or privileged. If you are not the intended recipient or the person responsible for delivering it to the intended recipient, any disclosure, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and destroy this facsimile.



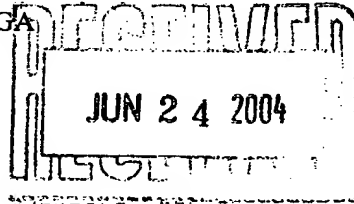
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/199,655	11/25/1998	RICHARD A. MATHIES	104464-0002	3941

37403 7590 06/23/2004

ATTENTION: MICHAEL VERGA
JAGTIANI + GUTTAG
10363-A DEMOCRACY LANE
FAIRFAX, VA 22030



EXAMINER

WARDEN, JILL ALICE

ART UNIT PAPER NUMBER

1743

DATE MAILED: 06/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment

Application No.

09/199,655

Examiner

Jill A. Warden

Applicant(s)

MATHIES ET AL.

Art Unit

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 27 November 2001.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☒ A proposed reply was received on 29 January 2003, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.

The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

Applicant filed a Request for Continued Examination, but did not file an amendment or Notice of Appeal, nor a request to have any amendment after final entered in the application. As such, the Request for Continued Examination was improper and the application is abandoned. Please find attached, the last 2 papers mailed to applicant, a Notice of Improper RCE and a Decision on Petition vacating the Decision of March 24, 2003.

Jill A. Warden

SPE

Art Unit: 1743



Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
PO Box 1450
Arlington, VA 22313-1450
www.uspto.gov

Paper No. 30

Nutter McClennen & Fish, LLP
World Trade Center West
155 Seaport Boulevard
Boston, MA 02210-2604

COPY MAILED

JUN 13 2003

OFFICE OF PETITIONS

In re Application of
Richard A. Mathies et al.
Application No. 09/199,655
Filed: November 25, 1998
Attorney Docket No. 104464-0002

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 29, 2003, to revive the above-identified application. The decision mailed March 24, 2003 is vacated.

The petition is **DISMISSED**.

The application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner in reply to the final Office action mailed November 27, 2001, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 CFR 1.136 have been obtained. Accordingly, the application became abandoned on February 28, 2002.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) were filed with the petition to revive on January 29, 2003. The request however, lacks the submission required by 37 CFR 1.114. A submission as used in 37 CFR 1.114 includes, but is not limited to, an information disclosure statement, an amendment to the written descriptions, claims, new arguments, or new evidence in support of patentability. See 37 CFR 1.114(c) and MPEP Section § 706.07(g).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 PO Box 1450
 Arlington, VA 22313-1450

By facsimile: (703) 308-6916
 Attn: Office of Petitions

By hand: Office of Petitions
 2201 South Clark Place
 Crystal Plaza 4, Suite 3C23
 Arlington, VA 22202

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.



Latrice Bond
Paralegal Specialist
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

APPLICATION NUMBER FILING DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE

DATE MAILED:

NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

The request for continued examination (RCE) under 37 CFR 1.114 filed on 1/29/03 is improper for reason(s) indicated below:

- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 3. Continued examination under 37 CFR 1.114 does not apply to an application in which the Office has not mailed at least one of an Office action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151.
- ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☐ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on _____. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☐ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the Office action or notice of allowance continues to run from the mailing date of that action or notice.
- ☒ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the Office action or notice of allowance continues to run from the mailing date of that action or notice.

A copy of this notice MUST be returned with any reply.

Direct the reply and any questions about this notice to:

Michael Hawker, Examining Group 1200
(703) 305-6568



Jagtiani+Gutttag
Protecting your ideas®

➤ **Facsimile Cover Page**

DATE: FEBRUARY 3, 2004

TO: OFFICE OF PETITIONS, ATTN: LATRICE BLOCK **BOND**

FAX NUMBER: 703-872-6906

PHONE NUMBER:

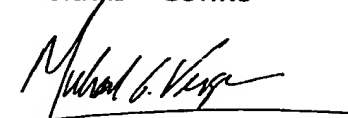
NUMBER OF PAGES (INCLUDING COVER): 26

CONFIRMATION COPY TO FOLLOW: NO

MESSAGE:

Enclosed for your attention is a resubmission of a filing first mailed October 14, 2003.

Very truly yours,
JAGTIANI + GUTTAG


Michael G. Verga

MGV:jmh

PLEASE CONTACT US IF THERE IS ANY PROBLEM WITH THE TRANSMISSION OF THIS DOCUMENT.

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TRANSMISSION VERIFICATION REPORT

TIME : 02/03/2004 12:29
NAME : JAGTIANI
FAX : 7035915907
TEL : 7035912664
SER.# : BROH2J624365

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

02/03 12:20
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27
OK
STANDARD
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2-3-03

Ofc of
Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/199,655
Applicant : MATHIES, ET AL.
Filed : NOVEMBER 25, 1998
Title : MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit : 1743
Examiner : WARDEN, JILL ALICE

Atty Docket No. : AFFY-0019-8 (FORMERLY 104464-0002CPA)

Mail Stop Petitions
P.O. Box 1450
Alexandria, VA 22313-1450
FAX NUMBER : 703-872-6906

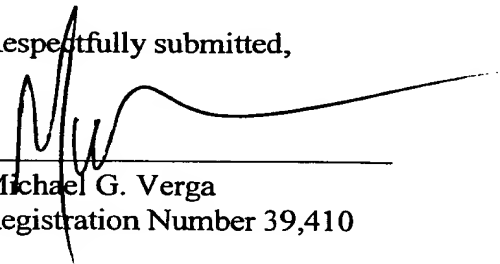
CERTIFICATION OF FACSIMILE TRANSMISSION

Sir:

I hereby certify that the following documents have been facsimile transmitted to the Office of Petitions, United States Patent and Trademark Office, facsimile number 703-872-6906 on February 3, 2004 in connection with the above-captioned application.

- ☒ Letter To Office of Petitions
- ☒ Previously submitted Request for Renewed Petition w/Request for Extension of time (mailed October 14, 2003)
- ☒ Copy of letter mailed June 13, 2003 from Office of Petitions dismissing previously granted petition
- ☒ Patent Fee Transmittal for FY 2004

Respectfully submitted,



Michael G. Verga
Registration Number 39,410

JAGTIANI + GUTTAG
Democracy Square Business Center
10363-A Democracy Lane
Fairfax, Virginia 22030
(703) 591-2664 (telephone)
(703) 591-5907 (fax)

February 3, 2004

Patent Fee Transmittal for FY 2004

Application Number

09/199,655

Filing Date

November 25, 1998

Named Inventor

MATHIES, et al.

Examiner Name

Warden, Jill Alice

Art Unit

1743

Attorney Docket No.

AFFY-0019-8

☐ Applicant Claims Small Entity Status 37 C.F.R. 1.27

TOTAL AMOUNT OF PAYMENT \$420.00

FEE CALCULATION

1. Basic Filing Fee

Large Entity	Small Entity				
Code	(\$)	Code	(\$)	Description	Paid
1001	770	2001	385	Utility filing fee	\$ -
1002	340	2002	170	Design filing fee	\$ -
1003	530	2003	265	Plant filing fee	\$ -
1004	770	2004	385	Reissue filing fee	\$ -
1005	160	2005	80	Provisional filing fee	\$ -
1609	730	2609	365	IPEA U.S.	\$ -
1610	770	2610	385	ISA U.S.	\$ -
611	1,080	2611	540	USPTO not ISA or IPEA	\$ -
612	100	2612	50	Claims Meet PCT Art. 33-IPEA/US	\$ -
613	920	2613	460	Filing with EPO or JPO SR	\$ -

Basic Fee Subtotal

\$ -

2. Extra Claim Fee

a. Claims as Filed

Total Claims	Independent	Multiple Dependent	Extra Claims
0	0	0	0

b. Claims as Amended

Total Claims	Independent	First Presentation of Multiple Dependent	After Amnt	Highest Paid	Present Extra
0	0	0	0	0	0

* Less than 20, enter 20 ** Less than 3, enter 3

Extra Claim Fee Subtotal

\$ -

Large Entity	Small Entity				
Code	(\$)	Code	(\$)	Description	Paid
1202	18	2202	9		\$ -
1201	86	2201	43		\$ -
1203	290	2203	145		\$ -

Large Entity	Small Entity				
Code	(\$)	Code	(\$)	Description	Paid
1202	18	2202	9		\$ -
1201	86	2201	43		\$ -
1203	290	2203	145		\$ -

Additional Fees

Large Entity	Small Entity				
Code	(\$)	Code	(\$)	Description	Paid
251	110	2251	55	Extension for reply first month	\$ -
252	420	2252	210	Extension for reply second month	\$ 420
253	950	2253	475	Extension for reply third month	\$ -
254	1,480	2254	740	Extension for reply fourth month	\$ -
255	2,010	2255	1,005	Extension for reply fifth month	\$ -
101	330	2401	165	Notice of Appeal	\$ -
102	330	2402	165	Filing Brief in Support of Appeal	\$ -
103	290	2403	145	Request for Oral hearing	\$ -
160	130	1460	130	Petitions to Commissioner	\$ -
151	1,510	1451	1,510	Petition - public use proceeding	\$ -
152	110	2452	55	Petition to Revive - Unavoidable	\$ -
153	1,330	2453	665	Petition to Revive - Unintentional	\$ -
101	1,330	2501	665	Utility Issue Fee	\$ -
102	480	2502	240	Design Issue Fee	\$ -
103	640	2503	320	Plant Issue Fee	\$ -
104	300	1504	300	Publication Fee	\$ -
114	110	2814	55	Statutory Disclaimer	\$ -
111	100	1811	100	Certificate of Correction	\$ -

(cont.)

3. Additional Fees (cont.)

Large Entity	Small Entity				
Code	(\$)	Code	(\$)	Description (cont.)	Paid
8021	40	8021	40	Recording each Assignment	\$ -
1806	180	1806	180	Submission of IDS	\$ -
1801	770	2801	385	Request for Cont. Examination	\$ -
1809	770	2809	385	Filing Submission After Final	\$ -
1051	130	2051	65	Surcharge - late filing fee or oath	\$ -
1052	50	2052	25	Surcharge - late provisional fee	\$ -
1053	130	1053	130	Non-English Specification	\$ -
1807	50	1807	50	Processing Fee 37 CFR 1.17(q)	\$ -
1812	2,520	1812	2,520	Request for Ex Parte Reexamination	\$ -
1804	920	1804	920	Request Pub. of SIR prior	\$ -
1805	1,840	1805	1,840	Request Pub. of SIR after	\$ -
1810	770	2810	385	Each Add. Invention Examined	\$ -
1802	900	1802	900	Expedited Examination (Design)	\$ -
1551	910	2551	455	Maintenance Fees 3.5 years	\$ -
1552	2,090	2552	1,045	Maintenance Fees 7.5 years	\$ -
1553	3,220	2553	1,610	Maintenance Fees 11.5 years	\$ -
1554	130	2554	65	Surcharge - Late Payment 6 mos.	\$ -
				Other fee	\$ -

Additional Fee Subtotal

\$ 420

METHOD OF PAYMENT

☒ Deposit Account No. **10-0233-AFFY-0019-8**

☒ The Commissioner is hereby authorized to charge the amount shown above and any additional fees which may be required under 37 CFR 1.16, 1.17, 1.18, 1.20 and 1.492 or credit any overpayment to the deposit account number listed above.

Name

Michael G. Verga

Reg. No.

39,410

Firm

Jagtiani + Gutttag

Address

10363-A Democracy Lane, Fairfax VA 22030

Telephone

703.591.2664

Fax

703.591.5907

Signature

February 3, 2004

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/199,655
Applicant : MATHIES, ET AL.
Filed : NOVEMBER 25, 21998
Title : MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit : 1743
Examiner : WARDEN, JILL ALICE

Atty Docket No. : AFFY-0019-8 (FORMERLY 104464-0002CPA)

Mail Stop Petitions
P.O. Box 1450
Alexandria, VA 22313-1450

FAX NUMBER : 703-872-6906

LETTER TO OFFICE OF PETITIONS

Sir:

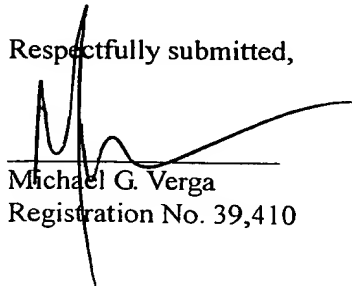
On Monday, February 2, 2004, Ms. Joyce Hanline of this office spoke with Ms. Latrice Bond, Paralegal Specialist at the Office of Petitions. Inquiry was made as to whether the Office of Petitions had received the October 14, 2003 filing of a Renewed Petition to Revive, as well as a Two-Month Extension of Time. Ms. Bond indicated that there was no record of the October 14th filing and suggested that a copy be faxed to the Office of Petitions

Enclosed is a copy of the documents included in the October 14, 2003 filing that was not received by the Office of Petitions. Also enclosed is a copy of the June 13, 2003 letter from the Office of Petitions dismissing the previously granted petition for revival.

As the original check in the amount of \$420.00 included in the October 14th filing was also not received, the Commissioner is hereby authorized to charge \$420.00 to Deposit Account Number **10-0233 AFFY-0019-8**. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 10-0233 pursuant to 37 CFR 1.25. Additionally, please charge any fees to Deposit Account 10-0233 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed. If extensions of time are necessary to allow consideration of this paper, then such extensions of time are hereby petitioned under 37 C.F.R. 1.136(a), and any fees required therefore, including fees for net addition of claims, are hereby authorized to be charged to Deposit Account No. 10-0233.

Your prompt attention to this Renewed Petition to Revive is respectfully requested.

Respectfully submitted,



Michael G. Verga
Registration No. 39,410

February 3, 2004
JAGTIANI + GUTTAG
Democracy Square Business Center
10363-A Democracy Lane
Fairfax, Virginia 22030
(703) 591-2664

Atty Docket No.: 104464-0002CPA

Inventor: Richard A. Mathies, et al.

Application No.: 09/199,655-Conf. #3941 **Filing Date:** November 25, 1998
Title: MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

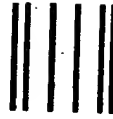
Documents Filed: (x2)

Transmittal (1 page), Fee Transmittal, Check # 34373 \$420.00,
Two Month Request for Extension of Time Under 37 CFR 1.136(a) (1 page) (2x)
Renewed Petition Under 37 C.F.R. 1.137(b) (2 pages)
Response and Amendment (5 pages)
Copies of Previously filed RCE with copy of check \$750.00, Petition to Revive Unitentionally
Abandoned Application with copy of check \$1,300.00, Letter to Examiner

Via: First Class Mail

Sender's Initials: MGVB/jw
1179617

Date: October 14, 2003



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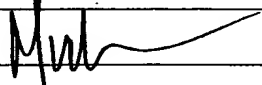
NUTTER MCCLENNEN & FISH LLP
PO BOX 1400
BOSTON MA 02205-8960

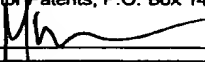


Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p>		Application Number	09/199,655-Conf. #3941
		Filing Date	November 25, 1998
		First Named Inventor	Richard A. Mathies
		Art Unit	1743
		Examiner Name	P. Bex
Total Number of Pages in This Submission	1	Attorney Docket Number	104464-0002RCE

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> 2-Month Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Renewed Petition Under 37 CFR 1.137(b) <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Check \$420.00 2. Copies of Previously Filed RCE with copy of check, Petition to Revive with copy of check, Letter to Examiner
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	NUTTER MCCLENNEN & FISH LLP Michael G. Verga
Signature	
Date	October 14, 2003

Transmittal	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
Dated: October 14, 2003	Signature:  (Michael G. Verga)

100 Cooper Boulevard
Boston, MA 02210-2604

January 25, 2003

COP

5-7017

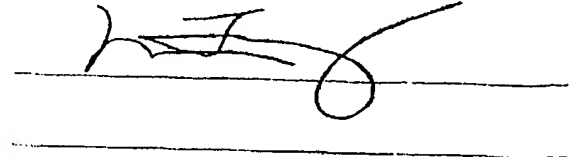
2110

Pay: One thousand three hundred and 00/100*****

\$ 1,300.00

PAY
TO THE
ORDER OF:

Commissioner of Patents and Trademarks



⑈00028503⑈ ⑆211070175⑆ 1131766897⑈

Commissioner of Patents and Trademarks

Vendor ID: 001670

Check #28503

<u>Invoice Num</u>	<u>Invoice Date</u>	<u>Invoice Amount</u>	<u>Amount Paid</u>	<u>Discount Taken</u>	<u>Payment Amt</u>	
01-23-2003-5	1/23/2003	\$1,300.00	\$1,300.00	\$0.00	\$1,300.00	
	<u>Disb Date</u>	<u>Client</u>	<u>Matter</u>	<u>Disb</u>	<u>Description</u>	<u>Amount</u>
	1/23/2003	0104464	00002	PF	Petition Fee	\$1,300.00
	Totals:	\$1,300.00	\$1,300.00	\$0.00	\$1,300.00	

Michael F.

Nutter, McClennen & Fish, LLP

World Trade Center West
155 Seaport Boulevard
Boston, MA 02210-2604

Invoice #

Date

October 14, 2003

Check No. 34373

Citizens Bank

5-7017

2110

Four hundred twenty and 00/100*****

\$ 420.00

THE
ORDER OF

Commissioner of Patents and Trademarks



⑈00034373⑈ ⑆211070175⑆ 1131786897⑈

Commissioner of Patents and Trademarks

Vendor ID: 001670

Check #:34373

Invoice Num

10/14/03

Invoice Date

10/14/2003

Invoice Amount

\$420.00

Amount Paid

\$420.00

Discount Taken

\$0.00

Payment Amt

\$420.00

Disb Date

10/14/2003

Client

0104464

Matter

00002

Disb

EF

Description

Extension Fee

Amount

\$420.00

Totals:

\$420.00

\$420.00

\$0.00

\$420.00

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 420.00

Complete If Known

Application Number 09/199,655-Conf. #3941
Filing Date November 25, 1998
First Named Inventor Richard A. Mathies
Examiner Name P. Bex
Art Unit 1743
Attorney Docket No. 104464-0002RCE

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number

141449

Deposit Account Name

Nutter McClennen & Fish LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$ 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	20**	Extra Claims	Fee from below	Fee Paid
Independent Claims	-3**			
Multiple Dependent				

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$ 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	420.00
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	840	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property times number of properties	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 420.00

SUBMITTED BY

Name (Print/Type) Michael G. Verga

Registration No. (Attorney/Agent)

39,410

(Complete if applicable)

Telephone (617) 439-2000

Signature

Date

October 14, 2003

1264235.1

Fee Transmittal

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: October 14, 2003

Signature:

(Michael G. Verga)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket No. (Optional) 104464-0002RCE	
In re Application of Richard A. Mathies and Peter C. Simpson			
Application Number 09/199,655-Conf. #3941		Filed November 25, 1998	
For: MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM			
Art Unit 1743		Examiner P. Bex	

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

- | | | |
|--|----|--------|
| <input type="checkbox"/> One month (37 CFR 1.17(a)(1)) | \$ | |
| <input checked="" type="checkbox"/> Two months (37 CFR 1.17(a)(2)) | \$ | 420.00 |
| <input type="checkbox"/> Three months (37 CFR 1.17(a)(3)) | \$ | |
| <input type="checkbox"/> Four months (37 CFR 1.17(a)(4)) | \$ | |
| <input type="checkbox"/> Five months (37 CFR 1.17(a)(5)) | \$ | |

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ _____

☒ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 141449

I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☐ attorney or agent of record. Registration Number _____

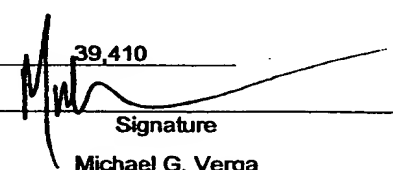
☒ attorney or agent under 37 CFR 1.34(a).
Registration number if acting under 37 CFR 1.34(a) 39,410

October 14, 2003

Date

(617) 439-2000

Telephone Number


Signature

Michael G. Verga
Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below

☐ Total of 1 forms are submitted.

Two Month Request for Extension of Time Under 37 CFR 1.136(a)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: October 14, 2003

Signature:  (Michael G. Verga)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket No. (Optional) 104464-0002RCE	
In re Application of Richard A. Mathies and Peter C. Simpson			
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For: MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM			
Art Unit 1743		Examiner P. Bex	

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

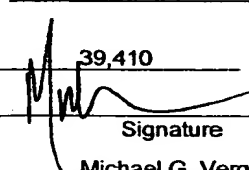
The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

- | | | |
|--|----|--------|
| <input type="checkbox"/> One month (37 CFR 1.17(a)(1)) | \$ | |
| <input checked="" type="checkbox"/> Two months (37 CFR 1.17(a)(2)) | \$ | 420.00 |
| <input type="checkbox"/> Three months (37 CFR 1.17(a)(3)) | \$ | |
| <input type="checkbox"/> Four months (37 CFR 1.17(a)(4)) | \$ | |
| <input type="checkbox"/> Five months (37 CFR 1.17(a)(5)) | \$ | |
- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ _____
- ☒ A check in the amount of the fee is enclosed.
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- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
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I am the ☐ applicant/inventor.
☐ assignee of record of the entire interest. See 37 CFR 3.71.
 Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
☐ attorney or agent of record. Registration Number _____
☒ attorney or agent under 37 CFR 1.34(a).
 Registration number if acting under 37 CFR 1.34(a) 39,410

October 14, 2003
Date

(617) 439-2000
Telephone Number


Signature
Michael G. Verga
Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of 1 forms are submitted.

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Dated: October 14, 2003

Signature:  (Michael G. Verga)

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 420.00

Complete if Known

Application Number 09/199,655-Conf. #3941
Filing Date November 25, 1998
First Named Inventor Richard A. Mathies
Examiner Name P. Bex
Art Unit 1743
Attorney Docket No. 104464-0002RCE

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number

141449

Deposit Account Name

Nutter McClennen & Fish LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
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1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$ 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
	-20** =	x	=
Independent Claims	-3** =	x	=
Multiple Dependent			=

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
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1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
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1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(a)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 420.00

SUBMITTED BY

Name (Print/Type) Michael G. Verga

Registration No. 39,410
(Attorney/Agent)

(Complete if applicable)

Telephone (617) 439-2000

Signature

Date October 14, 2003

1264235.1

Fee Transmittal

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: October 14, 2003

Signature:

(Michael G. Verga)

Docket No.: 104464-0002
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Richard A. Mathies, et al

Application No.: 09/199,655

Group Art Unit: 1743

Filed: November 25, 1998

Examiner: P. Bex

For: MICROPLATE SAMPLE AND REAGENT
LOADING SYSTEM

RENEWED PETITION TO REVIVE

Office of Petitions
Office of the Deputy Commissioner for Patent Examination Policy
Washington, DC 20231

Dear Sir or Madam::

This is a Renewed Petition to Revive an abandoned application under 37 CFR 1.137(b).

A Petition to Revive an unintentionally abandoned application and request for continued examination (RCE) application was filed on January 23, 2003. The Petition was initially granted.

Applicants included with the above Petition a Letter to the Examiner requesting a substantive interview when the application was returned to the art unit, and prior to examination. The purpose of the interview was to confirm the undersigned representative's understanding of the state of the claims as they currently stood at the time of abandonment. As noted in that Letter, once such understanding was obtained, Applicants were to file a reply to the outstanding office action. However, the noted Petition was later dismissed due to a failure to include such a substantive reply.

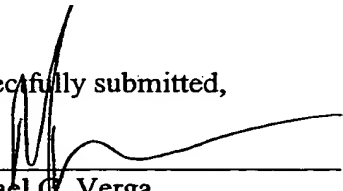
Application No.: 09/199,655

Docket No.: 104464-0002CPA

The Office of Petitions informed the undersigned that the filing of this Renewed Petition would be readily granted if accompanied by a substantive response and the requisite petition for extension of time. Such papers are filed herewith along with copies of the initial petition.

Dated: October 14, 2003

Respectfully submitted,

By 
Michael G. Verga
Registration No.: 39,410
NUTTER MCCLENNEN & FISH LLP
World Trade Center West
155 Seaport Boulevard
Boston, Massachusetts 02210-2604
(617) 439-2871
Attorneys for Applicants

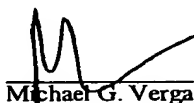
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mathies et al.
Serial No.: 09/199,655
Filing Date: November 25, 1998
For: MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Examiner: P. Bex
Art Unit: 1743

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to: M/S Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 14th day of October, 2003.


Michael G. Verga

RESPONSE & AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Applicant submits the following Response & Amendment in Reply to the Office Action dated November 27, 2001.

It is not believed that extension for time or fees for net addition of claims are required, beyond those which may otherwise be provided for in document accompanying this paper. However, if additional extensions of time are necessary to allow consideration of this paper, then such extensions of time are hereby petitioned under 37 C.F.R. 1.136(a), and any fees required therefore, including fees for net addition of claims, are hereby authorized to be charged to our Deposit Account No. 14-1449.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 5 of this paper.

AMENDMENTS TO THE CLAIMS

The following listing of claims will replace all prior versions, and listings, of claims in the captioned patent application.

Listing of Claims

1-40 (Canceled)

41. (New) A liquid-handling system for transferring liquid between a first container and a second container, comprising:

a plurality of capillary tubes each having a first end positioned in the first container and a second end positioned in or above a receiving reservoir of the second container;

a pressure housing encasing the first container and configured to cause liquid contained in the first container to be transferred through the capillary tubes to the second container; and

a liquid stop mechanism disposed adjacent to the second end of the capillary tubes that enables the capillary tubes to be completely filled prior to dispensing the liquid into the receiving reservoir.

42. (New) The system of claim 41, wherein said liquid stop mechanism comprises:

a capillary cooler through which a portion of said capillary tubes extend to define a cold region of the capillary tube.

43. (New) The system of claim 42, wherein said capillary cooler comprises one or more of the group consisting of:

a Peltier cooling/heating system;
a resistive heating system;
a cryogenic fluid flow system; and
an air flow system.

44. (New) The system of claim 42, wherein said liquid stop mechanism comprises:

a flow system comprising a flow chamber having chamber walls defining an flow cavity through which temperature-controlled cooling fluid or gas flows, wherein said cold region of said capillary tubes are disposed in said flow cavity.

45. (New) The system of claim 44, wherein said cooling fluid or gas comprises at least one of the group consisting of air, water and liquid nitrogen.
46. (New) The system of claim 44, wherein said chamber walls are insulated.
47. (New) A method for transferring liquid between a first set of reservoirs and a second set of reservoirs via a plurality of capillary tubes each having a first end positioned in a corresponding one of said first set of reservoirs and a second end positioned in or above a corresponding one of said second set of reservoirs, the method comprising:
completely filling said capillary tubes with liquid contained in each said corresponding first set of reservoirs; and
subsequent to said complete filling of all said capillary tubes, dispensing the liquid contained in each of said capillary tubes into said corresponding one of said second set of reservoirs.
48. (New) The method of claim 47, wherein completely filling said capillary tubes comprises:
applying a differential pressure across said capillary tubes sufficient to cause the liquid contained in the corresponding first set of reservoirs to travel through said corresponding capillary tubes;
~~freezing the liquid in a region of each said capillary tube that is adjacent to said~~
second end of said capillary tubes;
ceasing said application of said differential pressure;
melting said frozen liquid in said region of each said capillary tube; and
reapplying said differential pressure to dispense into said corresponding set of second reservoirs said liquid contained in each said capillary tube.
49. (New) The method of claim 48, wherein freezing the liquid in the capillary tubes comprises:
cooling a region of each said capillary tube that is adjacent to said second end of said capillary tube to a temperature below the freezing point of the liquid in said capillary tubes.

50. (New) The method of claim 48, wherein said melting said frozen liquid contained in said region of said capillary tubes comprises:

elevating said temperature in said region of each of said capillary tubes to melt said frozen liquid.

51. (New) The method of claim 47, wherein completely filling said capillary tubes comprises:

filling the liquid contained in each of said first set of reservoirs through each of the capillary tubes;

introducing into each of the capillary tubes a bolus of a fluid having a melting point that is higher than that of the liquid contained in said corresponding first set of reservoirs; and

solidifying said bolus in a region of each said capillary tube adjacent said second end of each said capillary tube.

52. (New) The method of claim 51, wherein filling said capillary tubes further comprises:

controlling the temperature of each said capillary tube to allow said boli to travel through said capillary tubes to be disposed at a specific location within said capillary tubes.

53. (New) The method of claim 52, wherein the higher melting point fluid comprises one or more of the group consisting of:

a polymer substance;

a wax substance; and

a immiscible inert fluid.

54. (New) The method of claim 51, wherein dispensing the liquid contained in each of said capillary tubes into said corresponding one of said second set of reservoirs comprises:


controlling the temperature of each said specified location of said capillary tubes to allow said boli to travel from said specific location within said capillary tube to separate from said capillary tube.

55. (New) The method of claim 51, wherein the temperature is controlled by at least one of the group consisting of a Peltier cooling/heating system, a resistive heating system, a cryogenic fluid flow system and an air flow system.

REMARKS

By the foregoing Amendments Applicants have canceled all pending claims thereby rendering the rejections thereof moot, and have added new claims 41-55. These amendments are believed not to introduce new matter and their entry is respectfully requested. This application is now in condition for allowance. A notice of such is respectfully requested. Should the examiner need or desire to discuss this amendment or any other aspect of this application, Applicants request that the examiner contact the undersigned at the number below.

Respectfully submitted,



Michael G. Verga
Reg. No. 39,410
Tel. (617)439-2871

Attorney Docket No. 104464-00002
Date: October 14, 2003

MAIL IN AN ENVELOPE ADDRESSED TO:
COMMISSIONER FOR PATENTS, WASHINGTON.

UNIT
2231

COPY

1-23-2003

DATE

Michael D. Feiler

Docket No.: 104464-0002
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Richard A. Mathies, et al

Application No.: 09/199,655

Group Art Unit: 1743

Filed: November 25, 1998

Examiner: P. Bex

For: MICROPLATE SAMPLE AND REAGENT
LOADING SYSTEM

LETTER TO THE EXAMINER

Examiner Bex
Commissioner for Patents
Washington, DC 20231

Dear Examiner Bex:

This paper is being filed with a Petition to Revive an unintentionally abandoned application and request for continued examination (RCE) application. Also filed with this paper is a revocation of all previous powers of attorney and appointment of new practitioners, including the undersigned, to prosecute the captioned application on behalf of the assignee of record, Affymetrix, Inc.

Due to the complexities in the prosecution of the parent application, the undersigned requests that the examiner contact the undersigned prior to examining the RCE application to arrange a time at which a substantive interview on the merits can be conducted. The undersigned will then file a Preliminary Amendment for examination.

Dated: January 23, 2003

Respectfully submitted,

By *Michael G. Verga*
Michael G. Verga
Registration No.: 39,410
NUTTER MCCLENNEN & FISH LLP
World Trade Center West
155 Seaport Boulevard
Boston, Massachusetts 02210-2604
(617) 439-2871
Attorneys for Applicant

100 Seaport Boulevard
Boston, MA 02210-2604

January 23,

COPY

5-7017

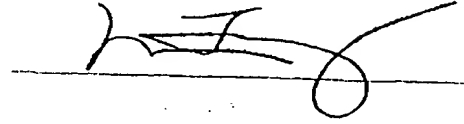
2110

Pay: Seven hundred fifty and 00/100*****

\$ 750.00

PAY
TO THE
ORDER OF:

Commissioner of Patents and Trademarks



⑈00028504⑈ ⑆211070175⑆ 1131766897⑈

Commissioner of Patents and Trademarks

Vendor ID: 001670

Check #28504

<u>Invoice Num</u>	<u>Invoice Date</u>	<u>Invoice Amount</u>	<u>Amount Paid</u>	<u>Discount Taken</u>	<u>Payment Amt</u>
01-23-2003-6	1/23/2003	\$750.00	\$750.00	\$0.00	\$750.00
<u>Disb Date</u>	<u>Client</u>	<u>Matter</u>	<u>Disb</u>	<u>Description</u>	<u>Amount</u>
1/23/2003	0104464	00002	FILFEE	Filing Fee	\$750.00
Totals:		\$750.00	\$750.00	\$0.00	\$750.00

Michael F.

COPY

PTO/SB/30 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.


REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL Address to: Commissioner for Patents Box RCE Washington, DC 20231	Application Number	09/199,655-Conf. #3941
	Filing Date	February 28, 2001
	First Named Inventor	Richard A. Mathies
	Group Art Unit	1743
	Examiner Name	P. Bex
	Attorney Docket No.	104464-0002

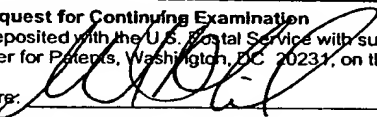
This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

- Submission required under 37 CFR 1.114
 - ☐ Previously submitted
 - ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
 - ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - ☐ Other _____
 - ☒ Enclosed
 - ☐ Amendment/Reply
 - ☐ Affidavit(s)/Declaration(s)
 - ☐ Information Disclosure Statement (IDS)
 - ☒ Other Letter to Examiner Bex
- Miscellaneous
 - ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(f) required)
 - ☐ Other _____
- Fees

The RCE fee under 37 CFR 1.17 (e) is required by 37 CFR 1.114 when the RCE is filed.

 - ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. _____
 - ☒ RCE fee required under 37 CFR 1.17(e)
 - ☐ Extension of time fee (37 CFR 1.136 and 1.17)
 - ☐ Other _____
 - ☒ Check in the amount of \$ 750.00 enclosed
 - ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Name (Print/Type)	Michael G. Verga	Registration No. (Attorney/Agent)	39,410
Signature		Date	January 23, 2003

Request for Continuing Examination	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Box DAC, Commissioner for Patents, Washington, DC 20231, on the date shown below.	
Dated: January 23, 2003	Signature:  (Michael D. Feiler)

COPY

PTO/SB/64 (10-01)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
104464-0002

First named inventor: Richard A. Mathies

Application No: 09/199,655-Conf. #3941

Art Unit: 1743

Filed: February 28, 2001

Examiner: P. Bex

Title: MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Attention: Office of Petitions
Box DAC
Commissioner for Patents
Washington, DC 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity – fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.

☒ Other than small entity – fee \$ 1,300.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form
of Request for Continuing Examination (identify the type of reply):

☐ has been filed previously on _____

☒ is enclosed herewith.

B. The issue fee of \$ _____

☐ has been paid previously on _____

☐ is enclosed herewith.

Petition to Revive Application Unintentionally Abandoned

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Box DAC, Commissioner for Patents, Washington, DC 20231, on the date shown below.

Dated: January 23, 2003

Signature: Michael D. Feiler (Michael D. Feiler)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

January 23, 2003

Date



Signature

Telephone
Number:

(617) 439-2871

Michael G. Verga

Typed or printed name

NUTTER MCLENNEN & FISH LLP
World Trade Center West
155 Seaport Boulevard
Boston, Massachusetts 02210-2604
Address

Enclosures:

☒

Fee Payment

☒

Reply

☐

Terminal Disclaimer Form

☐

Additional sheets containing statements establishing unintentional delay

☐

Other: _____



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
PO Box 1450
Arlington, VA 22313-1450
www.uspto.gov

Paper No. 30

JUN 16 2003

Nutter McClennen & Fish, LLP
World Trade Center West
155 Seaport Boulevard
Boston, MA 02210-2604

COPY MAILED

JUN 13 2003

OFFICE OF PETITIONS

In re Application of
Richard A. Mathies et al.
Application No. 09/199,655
Filed: November 25, 1998
Attorney Docket No. 104464-0002

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 29, 2003, to revive the above-identified application. The decision mailed March 24, 2003 is vacated.

The petition is **DISMISSED**.

The application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner in reply to the final Office action mailed November 27, 2001, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 CFR 1.136 have been obtained. Accordingly, the application became abandoned on February 28, 2002.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

RECEIVED
AUG 13, 2003
REQUEST FOR RECONSIDERATION

Docket Department
Reviewed by _____
Docketed by _____
Retrieved by _____
NMF

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) were filed with the petition to revive on January 29, 2003. The request however, lacks the submission required by 37 CFR 1.114. A submission as used in 37 CFR 1.114 includes, but is not limited to, an information disclosure statement, an amendment to the written descriptions, claims, new arguments, or new evidence in support of patentability. See 37 CFR 1.114(c) and MPEP Section § 706.07(g).

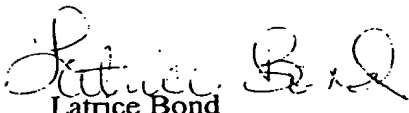
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 PO Box 1450
 Arlington, VA 22313-1450

By facsimile: (703) 308-6916
 Attn: Office of Petitions

By hand: Office of Petitions
 2201 South Clark Place
 Crystal Plaza 4, Suite 3C23
 Arlington, VA 22202

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.



Latrice Bond
Paralegal Specialist
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/199,655
Applicant : MATHIES, ET AL.
Filed : NOVEMBER 25, 1998
Title : MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit : 1743
Examiner : WARDEN, JILL ALICE

Atty Docket No. : AFFY-0019-8

Mail Stop Petitions
P.O. Box 1450
Alexandria, VA 22313-1450

LETTER

Sir:

The below-identified communication(s) is (are) submitted in the above-captioned application or proceeding:

- ☒ Status Inquiry
- ☒ Patent Fee Transmittal Form and Authorization to Charge Deposit Account

- ☒ The Commissioner is hereby authorized to charge payment of any fees associated with this communication, including fees under 37 C.F.R. §§ 1.16 and 1.17 or credit any overpayment to **Deposit Account Number 10-0233-AFFY-0019-8.**

Respectfully submitted,



Michael G. Verga
Registration Number 39,410

JAGTIANI + GUTTAG
Democracy Square Business Center
10363-ADemocracy Lane
Fairfax, Virginia 22030
(703) 591-2664

May 6, 2004

Patent Fee Transmittal for FY 2004

Application Number

09/199,655

Filing Date

November 25, 1998

Named Inventor

MATHIES, et al.

Examiner Name

Warden, Jill Alice

Art Unit

1743

Attorney Docket No.

AFFY-0019-8

☐ Applicant Claims Small Entity Status 37 C.F.R. 1.27

TOTAL AMOUNT OF PAYMENT \$0.00

FEE CALCULATION

1. Basic Filing Fee

Large Entity		Small Entity		Description	Paid
Code	(\$)	Code	(\$)		
1001	770	2001	385	Utility filing fee	\$ -
1002	340	2002	170	Design filing fee	\$ -
1003	530	2003	265	Plant filing fee	\$ -
1004	770	2004	385	Reissue filing fee	\$ -
1005	160	2005	80	Provisional filing fee	\$ -
1609	730	2609	365	IPEA U.S.	\$ -
1610	770	2610	385	ISA U.S.	\$ -
1611	1,080	2611	540	USPTO not ISA or IPEA	\$ -
1612	100	2612	50	Claims Meet PCT Art. 33-IPEA/US	\$ -
1613	920	2613	460	Filing with EPO or JPO SR	\$ -

Basic Fee Subtotal

\$ -

2. Extra Claim Fee

a. Claims as Filed

Total Claims		Extra Claims	
0	-20 =	0	x
0	-3 =	0	x
Multiple Dependent			

b. Claims as Amended

Total Claims		Highest Paid		Present Extra	
0	-	0	*	0	x
0	-	0	**	0	x
First Presentation of Multiple Dependent					

* Less than 20, enter 20 ** Less than 3, enter 3

Large Entity		Small Entity		Paid
Code	(\$)	Code	(\$)	
1202	18	2202	9	\$ -
1201	86	2201	43	\$ -
1203	290	2203	145	\$ -

Extra Claim Fee Subtotal

\$ -

3. Additional Fees

Large Entity		Small Entity		Description	Paid
Code	(\$)	Code	(\$)		
1251	110	2251	55	Extension for reply first month	\$ -
1252	420	2252	210	Extension for reply second month	\$ -
1253	950	2253	475	Extension for reply third month	\$ -
1254	1,480	2254	740	Extension for reply fourth month	\$ -
1255	2,010	2255	1,005	Extension for reply fifth month	\$ -
1401	330	2401	165	Notice of Appeal	\$ -
1402	330	2402	165	Filing Brief in Support of Appeal	\$ -
1403	290	2403	145	Request for Oral hearing	\$ -
1460	130	1460	130	Petitions to Commissioner	\$ -
1451	1,510	1451	1,510	Petition - public use proceeding	\$ -
1452	110	2452	55	Petition to Revive - Unavoidable	\$ -
1453	1,330	2453	665	Petition to Revive - Unintentional	\$ -
1501	1,330	2501	665	Utility Issue Fee	\$ -
1502	480	2502	240	Design Issue Fee	\$ -
1503	640	2503	320	Plant Issue Fee	\$ -
1504	300	1504	300	Publication Fee	\$ -
1814	110	2814	55	Statutory Disclaimer	\$ -
1811	100	1811	100	Certificate of Correction	\$ -

(cont.)

3. Additional Fees (cont.)

Large Entity		Small Entity		Description (cont.)	Paid
Code	(\$)	Code	(\$)		
8021	40	8021	40	Recording each Assignment	\$ -
1806	180	1806	180	Submission of IDS	\$ -
1801	770	2801	385	Request for Cont. Examination	\$ -
1809	770	2809	385	Filing Submission After Final	\$ -
1051	130	2051	65	Surcharge - late filing fee or oath	\$ -
1052	50	2052	25	Surcharge - late provisional fee	\$ -
1053	130	1053	130	Non-English Specification	\$ -
1807	50	1807	50	Processing Fee 37 CFR 1.17(q)	\$ -
1812	2,520	1812	2,520	Request for Ex Parte Reexamination	\$ -
1804	920	1804	920	Request Pub. of SIR prior	\$ -
1805	1,840	1805	1,840	Request Pub. of SIR after	\$ -
1810	770	2810	385	Each Add. Invention Examined	\$ -
1802	900	1802	900	Expedited Examination (Design)	\$ -
1551	910	2551	455	Maintenance Fees 3.5 years	\$ -
1552	2,090	2552	1,045	Maintenance Fees 7.5 years	\$ -
1553	3,220	2553	1,610	Maintenance Fees 11.5 years	\$ -
1554	130	2554	65	Surcharge - Late Payment 6 mos.	\$ -
Other fee					

Additional Fee Subtotal

\$ -

METHOD OF PAYMENT

☒ Deposit Account No. 10-0233-AFFY-0019-8

☒ The Commissioner is hereby authorized to charge the amount shown above and any additional fees which may be required under 37 CFR 1.16, 1.17, 1.18, 1.20 and 1.492 or credit any overpayment to the deposit account number listed above.

Name	Michael G. Verga	Reg. No.	39,410
Firm	Jagtiani + Gutttag		
Address	10363-A Democracy Lane, Fairfax VA 22030		
Telephone	703.591.2664	Fax	703.591.5907

Signature

May 6, 2004

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/199,655
Applicant : MATHIES, ET AL.
Filed : NOVEMBER 25, 1998
Title : MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit : 1743
Examiner : WARDEN, JILL ALICE

Atty Docket No. : AFFY-0019-8

Mail Stop Petitions
P.O. Box 1450
Alexandria, VA 22313-1450

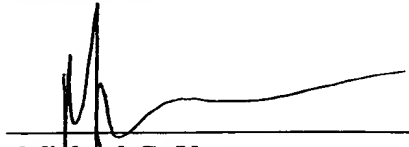
STATUS INQUIRY

Sir:

On October 14, 2003, a Renewed Petition to Revive, as well as a Two-Month Extension of Time was filed with the Office of Petitions. On February 2, 2004, Ms. Latrice Bond, Paralegal Specialist at the Office of Petitions was contacted and indicated that there was no record that the Renewed Petition to Revive was received. On February 3, 2004, the Renewed Petition to Revive was faxed to the Office of Petitions. Applicant has not received any further communications from the U.S. Patent and Trademark Office with respect to the present application.

Therefore, Applicant hereby requests to be informed of the status of the above-identified application.

Respectfully submitted,



Michael G. Verga
Registration Number 39,410

JAGTIANI + GUTTAG
Democracy Square Business Center
10363-A Democracy Lane
Fairfax, Virginia 22030
(703) 591-2664

May 6, 2004

JAGTIANI + GUTTAG - Democracy Square Business Center, 10363-A Democracy Lane, Fairfax, VA 22030

PATENT APPLICATION

(PENDING)

Serial No.: 09/199,655

Filed: November 25, 1998

AUy. Docket No.: APPY-0019-S

Applicant: MATHIES, et al.

FOR MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

DELIVER TO: ☒ MAIL ROOM ☐ ART UNIT: ☐

Special Instructions:

The PTO stamp hereon acknowledges receipt of:

☒ Status Inquiry

☒ Fee Transmittal and Authorization to Charge Deposit Account



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/199,655
Applicant : MATHIES, ET AL.
Filed : NOVEMBER 25, 1998
Title : MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit : 1743
Examiner : WARDEN, JILL ALICE.

Atty Docket No. : AFFY-0019-8

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

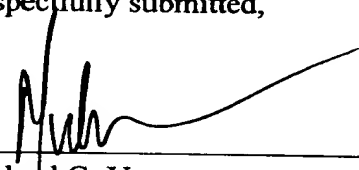
LETTER

Sir:

The below-identified communication(s) is (are) submitted in the above-captioned application or proceeding:

- ☒ Status Inquiry
- ☒ Fee Transmittal and Authorization to Charge Deposit Account

Respectfully submitted,



Michael G. Verga
Registration Number 39,410

JAGTIANI + GUTTAG
Democracy Square Business Center
10363-A Democracy Lane
Fairfax, Virginia 22030
(703) 591-2664

January 27, 2005

Patent Fee Transmittal for FY 2005

☐ Applicant Claims Small Entity Status 37 C.F.R. 1.27

TOTAL AMOUNT OF PAYMENT \$0.00

*** Includes fee changes from HR 4818, Sec. 801, signed on December 8, 2004

Application Number 09/199,655
Filing Date 25-Nov-98
Named Inventor MATHIES, et al.
Examiner Name WARDEN, Jill Alice
Art Unit 1743
Attorney Docket No. AFFY-0019-8

FEE CALCULATION

1. Filing Fees

Application Type	Description	Code	Large Entity (\$)	Small Entity (\$)	Paid
Utility	Basic	1011	300	2011 150	\$ -
	Examination	1311	200	2311 100	\$ -
	Search	1111	500	2111 250	\$ -
Design	Basic	1012	200	2012 100	\$ -
	Examination	1312	130	2312 65	\$ -
	Search	1112	100	2112 50	\$ -
Plant	Basic	1013	200	2013 100	\$ -
	Examination	1313	160	2313 80	\$ -
	Search	1113	300	2113 150	\$ -
Reissue	Basic	1014	300	2014 150	\$ -
	Examination	1114	600	2114 300	\$ -
	Search	1314	500	2314 250	\$ -
National Stage	Basic	1631	300	2631 150	\$ -
	Examination	1633	200	2633 100	\$ -
	Search	1632	500	2632 250	\$ -
Provisional	Basic	1005	200	2005 100	\$ -

2. Extra Claim Fee

a. Claims as Filed

Total Claims	0	- 20 =	0	x	Extra Claims
Independent	0	- 3 =	0	x	

b. Claims as Amended

Total Claims	0	- 0 =	0	x	After Amnt
Independent	0	- 0 =	0	x	Highest Paid
First Presentation of Multiple Dependent					Present Extra

* Less than 20, enter 20 ** Less than 3, enter 3

Large Entity Code (\$)	Small Entity Code (\$)	Paid
1201 50	2201 25	\$ -
1202 200	2202 100	\$ -
1203 360	2203 180	\$ -

Large Entity Code (\$)	Small Entity Code (\$)	Paid
1201 50	2201 25	\$ -
1202 200	2202 100	\$ -
1203 360	2203 180	\$ -

3. Extra Page Fee

Total Pages	0	- 100	0	x	Extra Pages
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Large Entity Code (\$)	Small Entity Code (\$)	Paid
1081 250	2081 125	\$ -

Subtotal for Application Fees

1 \$ -	2 \$ -	3 \$ -	= \$ -
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4. Additional Fees

Description	Code	Large Entity (\$)	Small Entity (\$)	Paid
Extension for response first month	1251	120	2251 60	\$ -
Extension for response second month	1252	450	2252 225	\$ -
Extension for response third month	1253	1,020	2253 510	\$ -
Extension for response fourth month	1254	1,590	2254 795	\$ -
Extension for response fifth month	1255	2,160	2255 1,080	\$ -
Notice of Appeal	1401	500	2401 250	\$ -
Filing a Brief in Support of an Appeal	1402	500	2402 250	\$ -
Request for Oral hearing	1403	1,000	2403 500	\$ -
Petitions under 1.17(f)	1462	400	1462 400	\$ -
Petitions under 1.17(g)	1463	200	1463 200	\$ -
Petitions under 1.17(h)	1464	130	1464 130	\$ -
Petition - public use proceeding	1451	1,510	1451 1,510	\$ -
Petition to Revive - Unavoidable	1452	500	2452 250	\$ -
Petition to Revive - Unintentional	1453	1,500	2453 750	\$ -
Utility Issue Fee	1501	1,400	2501 700	\$ -
Design Issue Fee	1502	800	2502 400	\$ -
Plant Issue Fee	1503	1,100	2503 550	\$ -
Reissue Issue Fee	1511	1,400	2511 700	\$ -
Publication Fee	1504	300	1504 300	\$ -
Statutory Disclaimer	1814	130	2814 65	\$ -

(cont.)

Description (cont.)	Code	Large Entity (\$)	Small Entity (\$)	Paid
Recording each Assignment	8021	40	8021 40	\$ -
Submission of IDS	1806	180	1806 180	\$ -
Request for Cont. Examination (RCE)	1801	790	2801 395	\$ -
Filing Submission After Final	1809	790	2809 395	\$ -
Surcharge - late filing fee or oath	1051	130	2051 65	\$ -
Surcharge - late provisional fee	1052	50	2052 25	\$ -
Non-English Specification	1053	130	1053 130	\$ -
Processing Fee 37 CFR 1.17(e)	1807	50	1807 50	\$ -
Request for Ex Parte Reexamination	1812	2,520	1812 2,520	\$ -
Request Pub. of SIR prior to action	1804	920	1804 920	\$ -
Request Pub. of SIR after action	1805	1,840	1805 1,840	\$ -
Each Add. Invention Examined	1810	790	2810 395	\$ -
Expedited Examination (Design)	1802	900	1802 900	\$ -
Unintentionally Delayed Priority Claim	1453	1,370	1453 1,370	\$ -
Certificate of Correction	1811	100	1811 100	\$ -
Maintenance Fees 3.5 years	1551	900	2551 450	\$ -
Maintenance Fees 7.5 years	1552	2,300	2552 1,150	\$ -
Maintenance Fees 11.5 years	1553	3,800	2553 1,900	\$ -
Surcharge - Late Payment 6 mos.	1554	130	2554 65	\$ -
Other fee				\$ -

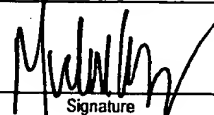
Additional Fee Subtotal \$ -

METHOD OF PAYMENT

☒ Deposit Account No.

10-0233-AFFY-0019-8

☒ The Commissioner is hereby authorized to charge any additional fees which may be required under 37 CFR 1.16, 1.17, 1.18, 1.20 and 1.492 or credit any overpayment to the deposit account number listed above.

Name Michael Verga Reg. No. 39,410
Firm Jagtiani + Gutttag
Address 10363-A Democracy Lane, Fairfax VA 22030
Telephone 703.591.2664 Fax 703.591.5907
Signature  Date January 27, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/199,655
Applicant : MATHIES, ET AL.
Filed : NOVEMBER 25, 1998
Title : MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit : 1743
Examiner : WARDEN, JILL ALICE

Atty Docket No. : AFFY-0019-8

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

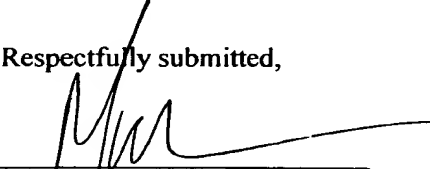
STATUS INQUIRY

Sir:

On November 25, 1998, the above-identified application was filed. A Filing Receipt was mailed on December 14, 1998. An Office Action was mailed on March 15, 2000. A Response to the Office Action was filed on June 9, 2000. A Final Office Action was mailed on August 29, 2000. An Interview Summary was mailed on November 29, 2000. An Amendment After Final Rejection was filed on December 28, 2000. An Advisory Action was mailed on January 9, 2001. An RCE and Preliminary Amendment were filed on February 28, 2001. An Office Action was mailed on May 22, 2001. A Response to OA was filed on August 22, 2001. Corrected OFR was mailed on August 31, 2001. A Final Office Action was filed on November 27, 2001. A Response to Final Office Action was filed on January 30, 2002. A Response to Final Office Action was filed on February 27, 2002. A Notice of Abandonment was mailed on August 22, 2002. A Petition to Revive and RCE were filed on January 23, 2003. The Petition to Revive was dismissed on June 13, 2003. On October 14, 2003, a Renewed Petition to Revive, as well as a Two-Month Extension of Time was filed with the Office of Petitions. On February 2, 2004, Ms. Latrice Bond, Paralegal Specialist at the Office of Petitions was contacted and indicated that there was no record that the Renewed Petition to Revive was received. On February 3, 2004, the Renewed Petition to Revive was faxed to the Office of Petitions. A Status Inquiry was filed on May 6, 2004. On June 30, 2004 a copy of prior communications was forwarded to the petitions branch in response to a phone conversation with John Gillon on June 30, 2004. The June 30, 2004 submission was forwarded via facsimile to Mr. Gillon. Mr. Gillon acknowledged receipt of the documents. Applicant has not received any further communications from the U.S. Patent and Trademark Office with respect to the present application.

Therefore, Applicant hereby requests to be informed of the status of the above-identified application.

Respectfully submitted,



Michael G. Verga
Registration Number 39,410

JAGTIANI + GUTTAG
Democracy Square Business Center
10363-A Democracy Lane
Fairfax, Virginia 22030
(703) 591-2664
January 27, 2005

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